FEDERAL REGISTER

VOLUME 13 NUMBER 132

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF JUSTICE; POSITIONS EXCEPTED

Under authority of § 6.1 (a) of Executive Order No. 9830, § 6.4 (a) (6) (xi) is amended to read as follows:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* * * *

(6) *Department of Justice.* * * *

(xi) Positions of temporary deputy marshals in lieu of bailiff in the United States courts when employed on an intermittent basis.

(Sec. 6.1 (a) E. O. 9830, Feb. 24, 1947, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-6103; Filed, July 7, 1948; 8:55 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE AND NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS; POSITIONS EXCEPTED

Under authority of § 6.1 (a) of Executive Order No. 9830, and at the request of the agencies concerned, the Commission has determined that the positions listed below should be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, § 6.4 (a) (9) and § 6.4 (a) (47) are amended to read as follows:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* * * *

(9) *Department of Agriculture.* * * *

(xxxv) Scientific and professional positions when filled by bona fide members of the faculty of an accredited college or university not to exceed 120 days in the period of one year in any individual case and the total number of appointments not to exceed 25 at any one time.

(xxxvi) Professional and subprofessional positions in the field of research when filled by graduate students at accredited colleges or universities: *Provided,* That such research work is to be used by the student as a basis for securing certain academic credit toward a graduate degree. The total employment in any one case shall not exceed one year unless extended by the Commission and such employment may be continued under this provision only so long as these conditions are met. The total number of positions to be filled under this provision may not exceed 100 at any one time.

* * * * *

(47) *National Advisory Committee for Aeronautics.* * * *

(ii) Scientific and professional positions when filled by bona fide members of the faculty of an accredited college or university not to exceed 120 days in the period of one year in any individual case and the total number of appointments not to exceed 25 at any one time.

(iii) Scientific and professional assistants whose salaries shall not aggregate more than $832 a year. Only bona fide students pursuing scientific courses at colleges or universities shall be eligible for appointment under this subdivision. Employment under this subdivision shall not exceed 180 working days in any one year.

(iv) Professional and subprofessional positions in the field of research when filled by graduate students at accredited colleges or universities *Provided,* That such research work is to be used by the student as a basis for securing certain academic credit toward a graduate degree. The total employment in any one case shall not exceed one year and such employment may be continued under this provision only so long as these conditions are met. The total number of positions to be filled under this provision may not exceed 50 at any one time.

(Sec. 6.1 (a), E. O. 9830, Feb. 24, 1947, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-6102; Filed, July 7, 1948; 8:55 a. m.]

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FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1948 CCC Peanut Bulletin 1]

PART 275—PEANUT LOANS

SUBPART 1948; PRODUCER LOANS

This bulletin states the requirements with respect to the 1948 Peanut Loan Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). Loans will be made available to producers on peanuts stored in approved warehouses in accordance with this bulletin.

Sec.
275.101 Administration.
275.102 Service fee.
275.103 Availability of loans.
275.104 Eligible producer.
275.105 Eligible peanuts.
275.106 Approved warehouses.
275.107 Approved forms.
275.108 Execution of CCC Commodity Form B.
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275.110 Determination of grade.
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275.114 Interest rates.
275.115 Transfer of producer's equity.
275.116 Insurance.
275.117 Personal liability.
275.118 Maturity.
275.119 Removal of the peanuts.
275.120 Release of the peanuts.
275.121 Purchase of notes.
275.122 Reports on repayments.

AUTHORITY: §§ 275.101 to 275.122, inclusive, issued under sec. 7 (a), 49 Stat. 4, as amended, Sec. 8, 56 Stat. 767, as amended; 15 U. S. C. 713 (a), 50 U. S. C. 963; Article third, par. (b), Charter of Commodity Credit Corporation.

§ 275.101 *Administration.* The program will be administered by CCC and PMA. Loans may be obtained from CCC direct through a CCC Field Office, PMA, as indicated in § 275.109 or from a commercial bank which has entered into a Lending Agency Agreement with CCC. The names of banks which will act as lending agencies to make producer loans and of warehouses approved for storage of peanuts may be obtained from a CCC Field Office. Forms may be obtained from a CCC Field Office, approved warehouses, or a Lending Agency. Approved warehouses will determine or cause to be determined, the quantity and grade of the peanuts and the amount of the loan. All loan documents will be completed and approved (by signature in the space provided for the County Agricultural Conservation Committee) by the approved warehouse which will retain copies of all documents.

§ 275.102 *Service fee.* The producer placing peanuts under loan shall be required to pay a service fee not in excess of $1.25 per ton.

§ 275.103 *Availability of loans.* Loans will be available to eligible producers on eligible peanuts stored in approved warehouses in the areas specified in § 275.106 through January 31, 1949.

§ 275.104 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing peanuts in 1948 as landowner, landlord, tenant, or sharecropper.

§ 275.105 *Eligible peanuts.* Eligible peanuts shall be peanuts which meet the following requirements:

(a) Such peanuts must be of the 1948 crop produced by the producer tendering the peanuts for a loan.

(b) Such peanuts must be free and clear of all liens and encumbrances including landlords' liens, or if liens or encumbrances exist on the peanuts, waivers acceptable to CCC must be obtained.

(c) Such peanuts must be tendered for a loan by a person who is the owner of the peanuts and who has the legal right to pledge them as security for the loan.

(d) The beneficial interest in the peanuts must be in the person tendering the peanuts for a loan and must always have been in him or in him and a former producer whom he succeeded before the peanuts were harvested.

(e) Such peanuts must be merchantable farmers' stock peanuts containing less than 5 percent damage. The term "merchantable farmers' stock peanuts" means peanuts in the shell which are sufficiently dry to be stored, have been produced in the continental United States and have not been cleaned, shelled, crushed or otherwise changed from their natural state after picking or threshing.

(f) Such peanuts must be stored in approved warehouses and must be represented by warehouse receipts on 1948 Crop CCC Peanut Form A.

§ 275.106 *Approved warehouses.* Warehouses must meet the requirements of CCC. Warehousemen desiring approval should communicate with the Peanut Cooperative Association serving the area in which the warehouse is located as follows:

Peanut Cooperative Association and Area Served

Growers Peanut Cooperative, Inc., Franklin, Va., Virginia-Carolina Area consisting of the States of Virginia, North Carolina, Missouri, Tennessee, and that portion of the State of South Carolina north and east of the Santee, Congaree, and Broad Rivers.

GPA Peanut Association, Camilla, Ga., Southeastern Area consisting of States of Georgia, Alabama, Mississippi, and Florida, and that portion of the States of South Carolina south and west of the Santee, Congaree, and Broad Rivers, and Louisiana east of the Mississippi River.

Southwestern Peanut Growers' Association, Gorman, Tex., Southwestern Area consisting of the States of Texas, Oklahoma, Arkansas, New Mexico, Arizona, and California, and the portion of the State of Louisiana west of the Mississippi River.

§ 275.107 *Approved forms.* (a) The approved forms constitute the loan documents which, together with the provisions of this Bulletin, govern the rights and responsibilities of the producer. Any fraudulent representation made by

a producer in obtaining a loan or in executing any of the loan documents will render him subject to prosecution under the United States Criminal Code.

Approved forms shall consist of note and loan agreements on CCC Commodity Form B secured by negotiable warehouse receipts on 1948 Crop CCC Peanut Form A, representing the peanuts stored in approved warehouses. A separate note and loan agreement shall be prepared with respect to each warehouse receipt to be pledged.

(b) Note and loan agreements must be executed on or prior to January 31, 1949, with State and documentary revenue stamps affixed thereto where required by law. Note and loan agreements executed by an administrator, executor, or trustee will be acceptable only where legally valid.

§ 275.108 *Execution of CCC Commodity Form B.* Producers Note and Loan Agreement, CCC Commodity Form B, shall be executed in quadruplicate as follows:

Section 1. Insert the following information:

(a) Peanuts, under "Kind of Commodity."

(b) 1948 under "Year Produced."

(c) Spanish, Runner, Valencia, or Virginia, under "Type of Loan."

(d) Name of County and State in which peanuts were grown.

(e) Loan number in consecutive order prefixed by letters identifying the lending agency. This is to be inserted by the lending agency upon receipt by it after execution.

(f) Name of producer and post office address, typed or printed in spaces provided.

Section 2: Completely executed note showing the lending agency as payee, date of execution, maturity date (February 1, 1949) and amount of loan.

Section 3: Insert name(s) and address(es) of persons who are to receive the proceeds of the loan, including the producer if he is to receive all or part of the payment.

NOTE: The "Date of Disbursement" is to be inserted by the Lending Agency when the loan is made.

Section 4. Insert name and address of the warehouse in which the peanuts are stored and the following information shown on CCC Peanut Form A, Warehouse Receipt for Peanuts:

Column (A) Date of warehouse receipt.
Column (B) Number of warehouse receipt.
Column (C) Percentage of sound mature kernels (% S. M. K.).
Column (E) Percentage of damaged kernels (% Dam.).
Column (G) Gross pounds.
Column (I) Percentage foreign material (% F M.).
Column (J) Net pounds.
Column (K) Percentage of Extra Large (% E. L.).
Column (L) Loan rate per ton.
Column (M) Amount of loan.
Columns (C), (E), (I), and (K) should be redesignated, respectively "% S. M. K.," "% Dam.," "% F. M.," and "% E. L."

Section 5: Insert County and State in which farm is located.

Section 6: Insert date and signature of witnesses and producer.

Section 7: Lien holders must have executed waiver and consent to pledge or if there are no lienholders, this fact must be shown.

Section 8: Approval of warehousemen.

§ 275.109 *Distribution of CCC Commodity Form B.* (a) If the loan is to be made by a Lending Agency, the following distribution shall be made:

(1) Original to be forwarded to and retained by the Lending Agency, together with the original of the warehouse receipt.

(2) "CCC Regional Director's Copy" to be forwarded to the Lending Agency for immediate transmittal to the appropriate CCC Field Office as follows:

CCC Field Office and Area Covered

Director, Atlanta Office Commodity Credit Corporation, PMA, United States Department of Agriculture, 449 West Peachtree Street NE., Atlanta 3, Ga., Virginia, North Carolina, Missouri, Tennessee, and South Carolina, north and east of the Santee, Congaree, and Broad Rivers. Georgia, Alabama, Mississippi, Florida, and South Carolina south and west of the Santee, Congaree, and Broad Rivers, and Louisiana east of the Mississippi River.

Director, Dallas Office, Commodity Credit Corporation, PMA, United States Department of Agriculture, 1114 Commerce Street, Dallas 2, Tex., Texas, Oklahoma, Arkansas, New Mexico, Arizona, California, and Louisiana west of the Mississippi River.

(3) "County Office Copy" to be retained by warehouseman.

(4) "Producer's Copy" to be retained by the producer.

(b) If a direct loan from CCC is requested, the documents specified in paragraph (a) (1) and (2) of this section are to be forwarded directly to the CCC Field Office specified in paragraph (a) (2) of this section.

§ 275.110 *Determination of grade.* The grade (i. e., percentage of sound mature kernel content, including whole loose shelled kernels, the percentage of damage, foreign material content, and in the case of Virginia type peanuts, the Extra Large Virginia shelled content) of each lot of peanuts to be pledged as security for a loan hereunder shall, upon delivery of such peanuts to the approved warehouse, be determined by a Federal, Federal-State or Federally-Licensed inspector, or by such other inspector as CCC may approve, in accordance with such rules and regulations as may be prescribed by the United States Department of Agriculture.

§ 275.111 *Determination of quantity.* The quantity of peanuts on which the amount of the loan is computed shall be the gross weight of the farmers' stock peanuts less foreign material content as shown on the warehouse receipt.

§ 275.112 *Set-offs.* Any producer who is listed on the county register of persons indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the loan to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of the service fees and amounts due prior lienholders. Indebtedness owing to CCC shall be given first consideration after claims of prior lienholders.

§ 275.113 *Loan rates.* Loan rates will be shown on 1948 CCC Peanut Form 606 which will be published as Supplement 1 to §§ 275.101 to 275.122, inclusive.

§ 275.114 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum; and interest shall accrue from the date of disbursement of the loan.

§ 275.115 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the peanuts or his remaining interest therein may be restricted by CCC.

§ 275.116 *Insurance.* CCC will not require the peanuts to be covered by insurance; however, if the peanuts are insured, such insurance shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producers equity in the peanuts involved in the loss.

§ 275.117 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents or in obtaining the loan, or the conversion or unlawful disposition of any portion of the peanuts by him, shall render the producer personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 275.118 *Maturity.* Loans mature on demand but not later than February 1, 1949.

§ 275.119 *Removal of the peanuts.* If the loan is not satisfied upon maturity of the note, the CCC or any other Federal agency which is the holder of the note may remove the peanuts and sell them in satisfaction of the loan and storage and other charges, either by separate contract or after pooling them with other lots of peanuts similarly held. The producer shall have no right of redemption after the peanuts are pooled, but shall share ratably in any overplus remaining upon liquidation of the pool. The CCC shall have the right to treat pooled peanuts as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interest of producers and consumers, and not unduly impair the market for the current crop of peanuts, even though part or all of such pooled peanuts are disposed of under such policies at prices less than the current domestic price for peanuts. Any sum due the producer as a result of the sale of peanuts or as insurance proceeds thereon, or any ratably share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 275.120 *Release of the peanuts.* Prior to or at maturity a producer may obtain release of the warehouse receipt representing the peanuts by paying to the holder of the note and loan agreement the principal amount thereof, plus interest. If the note is held by an out-of-town Lending Agency or by CCC, the producer may request that the note be forwarded to a local bank for collection. In such case, where CCC is the holder of the note, the local bank will be in-

structed to return the note and loan agreement if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer.

§ 275.121 *Purchase of notes.* CCC will purchase from approved Lending Agencies, notes evidencing approved loans which are secured by negotiable warehouse receipts as provided herein. The purchase price to be paid by CCC will be the principal amount remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending Agencies shall use CCC Commodity Form D, Lending Agency's Letter of Transmittal of Loans, in forwarding notes to the CCC Field Office for purchase.

§ 275.122 *Reports on repayments.* Lending Agencies are required to submit a weekly report to the CCC Field Office on CCC Form F Schedule of Repayments of Loans, or other form prescribed by CCC, of all payments received on producers' notes held by them, and are required to remit to CCC with such form an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment.

Issued and effective this 1st day of July 1948.

[SEAL] RALPH S. TRIGG, *Administrator.*

[F. R. Doc. 48-6101; Filed, July 7, 1948; 8:55 a. m.]

[1948 CCC Peanut Bulletin 2]

PART 275—PEANUT LOANS

SUBPART 1948; DEALER LOANS

This bulletin states the requirements with respect to the 1948 Peanut Loan Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA) under which loans will be made available to dealers on peanuts purchased by them at not less than support prices.

Sec.
275.123 Administration.
275.124 Availability of loans.
275.125 Eligible dealer.
275.126 Eligible peanuts.
275.127 Warehouse approval.
275.128 Determination of grade.
275.129 Support prices and loan rates.
275.130 Interest rate.
275.131 Maturity.
275.132 Loan documents.
275.133 Lending Agency records.
275.134 Lending Agency reports.
275.135 Purchase of notes by CCC.
275.136 Payment of interest.
275.137 Release of peanuts.

AUTHORITY: §§ 275.123 to 275.137, inclusive, are issued under sec. 7 (a), 49 Stat. 4 as amended, 15 U. S. C. 713 (a), Article Third, par. (b), Charter of Commodity Credit Corporation.

§ 275.123 *Administration.* The program will be administered by the Peanut Division, Fats and Oils Branch, PMA. Dealers desiring to obtain loans should request their customary banks to enter into a lending agency agreement with CCC on 1948 CCC Peanut Form-617. Loans may also be obtained direct from CCC.

§ 275.124 *Availability of loans.* Loans shall be available through June 30, 1949, to eligible dealers on eligible peanuts stored in approved warehouses.

§ 275.125 *Eligible dealer.* An eligible dealer shall be any person engaged in purchasing peanuts who is approved by CCC.

§ 275.126 *Eligible peanuts.* Eligible peanuts shall be peanuts which meet the following requirements:

(a) Such peanuts must be of the 1948 crop.

(b) Such peanuts must be free and clear of all liens and encumbrances.

(c) Such peanuts must have been purchased from producers at not less than support prices within 30 days of the date of tender for loan. If the dealer has purchased the peanuts from persons other than the producers, he must furnish certificates executed by such other persons showing the prices paid to and the date of purchase from producers.

(d) Such peanuts must be merchantable farmers stock peanuts. The term "merchantable farmers stock peanuts" means peanuts in the shell which are sufficiently dry to be stored, have been produced in the continental United States, and which have not been cleaned, shelled, crushed, or otherwise changed from their natural state after picking or threshing.

(e) Such peanuts must be stored in approved warehouses and must be represented by warehouse receipts unless other security arrangement has been approved by CCC.

(f) Such peanuts must be stored by type and segregation, as specified in the 1948 Crop Dealer Lending Agency Agreement.

§ 275.127 *Warehouse approval.* Warehouses must be approved in writing by the Peanut Division, Fats and Oils Branch, PMA, Washington 25, D. C. Warehousemen, except warehousemen licensed under the U. S. Warehouse Act, will be required to submit a copy of their warehouse receipts, a properly certified current financial statement, a copy of the bond under which the warehouse is operating, and such other information as CCC may request. Warehousemen desiring approval should communicate with the peanut cooperative association serving the area in which the warehouse is located, as follows:

Peanut Cooperative Association and Area Served

Growers Peanut Cooperative, Inc., Franklin, Va., Virginia-Carolina Area consisting of the States of Virginia, North Carolina, Tennessee, Missouri, and that portion of the State of South Carolina north and east of the Santee, Congaree, and Broad Rivers.

GFA Peanut Association, Camilla, Ga., Southeastern Area consisting of the States of Georgia, Alabama, Mississippi, and Florida, and that portion of the States of South Carolina south and west of the Santee, Congaree, and Broad Rivers and Louisiana east of the Mississippi River.

Southwestern Peanut Growers' Association, Gorman, Tex., Southwestern Area consisting of the States of Texas, Oklahoma, Arkansas, New Mexico, Arizona, and California, and that portion of the State of Louisiana west of the Mississippi.

§ 275.128 *Determination of grade.* The grade (i. e., percentage of sound mature kernel content, including whole loose shelled kernels, the percentage of damage, the foreign material content, and in the case of Virginia type peanuts, the Extra Large Virginia shelled content) of each lot of peanuts to be pledged as security for a loan hereunder shall, upon the delivery of such peanuts to the approved warehouse, be determined by a Federal, Federal-State, or Federally-licensed inspector, or by such other inspector as CCC may approve in accordance with such rules and regulations as may be prescribed by the United States Department of Agriculture.

§ 275.129 *Support prices and loan rates.* Support prices and loan rates for designated grades and classes will be shown on 1948 CCC Peanut Form 606, which will be published as Supplement 1 to these §§ 275.123 to 275.137, inclusive.

§ 275.130 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum from the date of disbursement of the loan.

§ 275.131 *Maturity.* Loans mature on demand but not later than August 31, 1949, unless extended by CCC, and must be repaid on or before maturity.

§ 275.132 *Loan documents.* (a) Loans shall be evidenced by promissory notes executed by the dealer payable to CCC or the Lending Agency on CCC Peanut Form 617B, Dealer Note.

(b) In addition to the notes, the following documents will be required:

(1) Application for Advance, CCC Peanut Form 617C.

(2) Warehouse receipts approved by CCC both as to warehouse arrangement and form of receipt unless other security arrangement has been approved by CCC in each instance. (Chattel mortgages or other form of lien filed or recorded in accordance with applicable law may be used only in exceptional circumstances as determined by CCC where the borrower can not obtain warehouse receipts.)

(3) Inspection certificates issued by an approved inspector.

(4) Insurance policies or other satisfactory proof that the peanuts securing the loan have been insured in behalf of CCC for not less than the loan value against risk of loss or damage by fire, lightning, windstorm, tornado, and other risks normally insured against by the dealer. Premiums on such insurance must be paid by the dealer and the policies kept in force to the extent of the loan value of peanuts at any time under loan.

§ 275.133 *Lending Agency records.* The Lending Agency shall maintain accurate records of all loan transactions for each individual borrower.

§ 275.134 *Lending Agency reports.* (a) Not later than the last day of each month the Lending Agency shall transmit to CCC at the applicable CCC Field

Office the following for the period from the 26th day of the preceding month to the 25th day of the current month (both dates, inclusive)

(1) 1948 CCC Peanut Form 617A for each borrower showing, by dates, the charge in the loan account for loans made and the quantity of peanuts pledged as collateral; credits for repayments of loan principal and the quantities of peanuts released, and the unpaid balance of loans and quantity of collateral for the beginning of the period and date of each loan transaction.

(2) A copy of each Application for Advance, CCC Peanut Form 617C under which loans were made during such period.

(3) Remittance payable to the order of CCC for one-half of the interest collected during such period.

(4) Notice that no transactions were made if such is the case.

(b) The applicable Field Office for each of the following areas is as follows:

Field Office and Area Served

Director, Atlanta Office, Commodity Credit Corporation, PMA, United States Department of Agriculture, 449 West Peachtree St. NE., Atlanta 3, Ga. Virginia-Carolina Area as defined in § 275.127 and Southeastern Area as defined in § 275.127.

Director, Dallas Office, Commodity Credit Corporation, PMA, United States Department of Agriculture, 1114 Commerce Street, Dallas 2, Tex. Southwestern Area as defined in § 275.127.

§ 275.135 *Purchase of notes by CCC.* Notes tendered by Lending Agencies to CCC for purchase in accordance with paragraph 5 of the Lending Agency Agreement (Dealer) must be supported by the documents designated in this Bulletin, together with a statement of the unpaid balance of the principal, the date from which interest is unpaid, and the amount claimed as the Lending Agency's one-half share of the accrued interest on each loan. The notes, and accompanying statement and documents, should be transmitted to the applicable above-designated CCC Field Office.

§ 275.136 *Payment of interest.* Interest at the rate of 3 percent per annum is payable by the dealer to the Lending Agency or other holder of the note as of the 25th day of each month. The dealer shall remit monthly to the CCC Field Office the amount due as interest on loans held by CCC, identifying the amount applicable to each of the loans and the date and amounts on which the interest computations were made.

§ 275.137 *Release of peanuts.* The dealer may obtain the release of the warehouse receipts representing the peanuts pledged as security for the loan by paying the principal amount loaned on such peanuts plus the balance of the accrued and unpaid interest thereon. Redemption of one or more of the several lots covered by a note will be permitted *Provided,* That all of the peanuts included in a lot represented by a warehouse receipt are included in the same release. In making repayments of loans held by CCC, the amount due, available at par in the city in which the CCC Field Office is located, must be forwarded to the CCC Field Office with information identifying the collateral being redeemed.

Issued and effective this 1st day of July 1948.

[SEAL] RALPH S. TRIGG,
Administrator.

[F. R. Doc. 48-6100; Filed, July 7, 1948; 8:54 a. m.]

[1948 CCC Peanut Bulletin 3]

PART 275—PEANUT LOANS

SUBPART 1948; PURCHASE PROGRAM

This bulletin states the requirements, terms and conditions of the 1948 Peanut Purchase Program formulated by the Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA) Purchases will be made from producers and dealers in accordance with this bulletin.

Sec.
275.138 Administration.
275.139 Availability.
275.140 Eligible producers.
275.141 Eligible peanuts.
275.142 Purchases from producers.
275.143 Purchases from dealers.
275.144 Determination of grade.
275.145 Determination of quantity.
275.146 Payments.
275.147 Purchase price.
275.148 Set-offs.

AUTHORITY: §§ 275.138 to 275.148, inclusive, issued under sec. 7 (a), 49 Stat. 4 as amended, 15 U. S. C. 713 (a); Article Third, par. (b), Charter of Commodity Credit Corporation.

§ 275.138 *Administration.* The program will be administered by CCC and PMA in the field through peanut cooperative associations operating under the CCC Designated Agency Contract and through dealers who have entered into Receiving Agency Contracts with such designated agencies.

§ 275.139 *Availability.* CCC will purchase eligible peanuts offered to it by eligible producers through June 30, 1949, and by dealers, operating under the 1948 Peanut Dealer Contract, from December 1, 1948, through April 30, 1949.

§ 275.140 *Eligible producer* An eligible producer shall be any individual partnership, association, corporation, or other legal entity producing peanuts in 1948 as landowner, landlord, tenant, or sharecropper.

§ 275.141 *Eligible peanuts.* Eligible peanuts shall be peanuts which meet the following requirements:

(a) Such peanuts must be of the 1948 crop.

(b) Such peanuts must be free and clear of all liens and encumbrances including landlords' liens, or if liens and encumbrances exist on the peanuts, proper waivers must be obtained.

(c) Such peanuts must be offered for sale by a person who is the owner of the peanuts and who has a legal right to sell such peanuts.

(d) The beneficial interest in the peanuts must be in the person offering the peanuts for sale and in the case of peanuts offered by a producer, must always have been in him or in him and a former producer whom he succeeded before the peanuts were harvested.

(e) Such peanuts must be merchantable farmers' stock peanuts, or No. 2 shelled peanuts and oil stock eligible for purchase under the Dealer Contract. The term "merchantable farmers' stock peanuts" means peanuts of the 1948 crop in the shell which are sufficiently dry to be stored, which have been produced in the continental United States and which have not been cleaned, shelled, crushed or otherwise changed from their natural state after picking and threshing.

§ 275.142 *Purchases from producers.* (a) All eligible farmers' stock peanuts offered by eligible producers will be purchased through local dealers who have executed Receiving Agency Contracts with designated agencies of CCC.

(b) The following designated agencies are responsible for establishing receiving agencies in their respective areas:

Peanut Cooperative Association and Area Served

Growers Peanut Cooperative, Inc., Franklin, Va., Virginia-Carolina Area consisting of the States of Virginia, North Carolina, Tennessee, Missouri, and that portion of the State of South Carolina north and east of the Santee, Congaree, and Broad Rivers.

GFA Peanut Association, Camilla, Ga., Southeastern Area consisting of States of Georgia, Alabama, Mississippi, and Florida, and that portion of the State of South Carolina south and west of the Santee, Congaree, and Broad Rivers and Louisiana east of the Mississippi River.

Southwestern Peanut Growers' Association, Gorman, Tex., Southwestern Area consisting of the States of Texas, Oklahoma, Arkansas, New Mexico, Arizona, and California, and the portion of the State of Louisiana west of the Mississippi River.

§ 275.143 *Purchases from dealers.* The CCC will purchase from dealers operating under the 1948 Peanut Dealer Contract farmers stock peanuts and No. 2 shelled peanuts and oil stock offered to it in accordance with the provisions of such contract. Copies of the 1948 Peanut Dealer Contract may be obtained from the Peanut Division, Fats and Oils Branch, PMA, U. S. Department of Agriculture, Washington 25, D. C., or from the Designated Agencies shown in § 275.142.

§ 275.144 *Determination of grade.* (a) The grade (i. e., percentage of sound mature kernel content, including whole loose shelled kernels, the percentage of damage, the foreign material content, and in the case of Virginia type peanuts, the Extra Large Virginia shelled content) of each lot of farmers stock peanuts delivered to a Receiving Agency for purchase by CCC shall be determined by a Federal, Federal-State or Federally-licensed inspector, or by such other inspector as CCC may approve, in accordance with such rules and regulations as may be prescribed by the U. S. Department of Agriculture.

(b) The grade of each lot of number 2 shelled or oil stock peanuts shall be determined by a Federal, Federal-State or Federally-licensed inspector, or by such other inspector as CCC may approve, in accordance with the provisions of the dealer contract.

§ 275.145 *Determination of quantity.* The quantity of peanuts to be purchased shall be the gross weight of the farmers stock peanuts or the number 2 shelled and oil stock peanuts less foreign material content.

§ 275.146 *Payments.* The producer will be paid for peanuts delivered to the receiving agency by a draft drawn on CCC. Dealers will submit claim for payment to the office of the designated agency serving the area for payment.

§ 275.147 *Purchase price.* (a) Farmers stock peanuts shall be purchased at the support prices shown on 1948 CCC Peanut Form 606 which will be published as supplement 1 to §§ 275.138 to 275.148, inclusive.

(b) Number 2 quality peanuts will be purchased by CCC at prices specified in the dealer contract.

(c) The price of oil stock peanuts will be determined by CCC.

§ 275.148 *Set-offs.* A producer or dealer indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of sale to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of the amounts due prior lienholders. Indebtedness owing to CCC shall be given full consideration after claims of prior lienholders.

Issued and effective this 1st day of July 1948.

[SEAL] RALPH S. TRIGG,
Administrator.

[F. R. Doc. 48-6099; Filed, July 7, 1948; 8:54 a. m.]

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—Administration

PART 300—GENERAL

DELEGATION OF AUTHORITY TO STATE DIRECTOR OF FARMERS HOME ADMINISTRATION FOR MONTANA TO RENEW WATER FACILITIES LOANS

Part 300, "General," in Chapter III of Title 6, Code of Federal Regulations (6 CFR, Cum. Supp., Chapter III, Subchapter A) is amended by adding § 300.23 as follows:

§ 300.23 *Delegation of authority to State Director of the Farmers Home Administration for Montana to renew Water Facilities Loans.* (a) Subject to the policies and limitations contained herein, the State Director of the Farmers Home Administration for the State of Montana is authorized to renew notes for Water Facilities Loans to individuals when such action will not adversely affect the security interests of the Government, and in the following situations only:

(1) When the loan is delinquent and has matured or will mature before the borrower can cure the delinquency and his inability to meet the repayment schedule is due to circumstances beyond the borrower's control such as unusually adverse weather conditions, serious accidents or illnesses, and substantial losses of livestock or crops due to such causes as disease, pestilence and hail storms.

(2) When it is legally necessary to renew the loan in order to renew security instruments.

(3) When the borrower is current on the installments of principal, plus interest, scheduled in the loan agreement but is delinquent, or will become delinquent shortly, as a result of scheduling repayments for a shorter period in the note. In such case the annual installments on the renewal note will be in accordance with the loan agreement executed when the loan was made, except as provided in paragraph (c) of this section.

(4) When the borrower is current on the installments of principal, plus interest, scheduled in the original note taken when the loan was made but is delinquent, or will become delinquent shortly, as a result of taking a renewal note in which the repayments were scheduled for a shorter period than was contemplated in the original note. In such cases another renewal note may be accepted and the annual installments in the new renewal note will be in accordance with the original note, except as provided in paragraph (c) of this section.

(b) The State Director of Montana also is authorized to redelegate a part or all of his authority to renew Water Facilities Loans to State Field Representatives and County Supervisors where the total amount of water facilities indebtedness of any one borrower does not exceed the loan approval authority delegated to such officials.

(c) Repayment schedules in all renewal notes will provide for the repayment of indebtedness as rapidly as possible consistent with the borrower's ability to repay, and will not extend beyond the useful life of the security property, or twenty years from the date of the advance of funds, whichever is the lesser. Repayment in all cases will be scheduled in at least annual installments, and the repayment dates should coincide with the anticipated date of receipts of income from which such payments are to be made. If a chattel mortage was taken as security for the loan and the lien created by the chattel mortgage or any renewal thereof cannot run or be extended for the entire period of the loan without the consent of the borrower, the installment due under the renewal note for the year when the lien created by the chattel mortgage is to terminate must be the amount of the installment for that year, plus the total amount of all subsequent installments shown in the loan agreement executed when the loan was made.

(d) Renewal notes will bear interest at the rate of three percent. The unpaid accrued interest on the indebtedness being renewed will not bear interest and will be due and payable on the first installment date under the renewal note. Form FSA-LE 124, "Renewal Promissory Note," will be used for all renewals.

(e) Form FHA-258, "Agreement to Extend Repayment Period," prepared and distributed in the manner prescribed in § 391.4 of this chapter, will be used when the security instrument will expire before the borrower can liquidate his schedule repayments and the security instruments will have to be renewed. (50 Stat. 869, 54 Stat. 1124; 16 U. S. C. 590r-x, 16 U. S. C. 590z-5; Order, Secretary of Agriculture, Oct. 14, 1946, 11 F. R. 12520, 7 CFR, 1946 Supp.)

[SEAL] DILLARD B. LASSETER,
Administrator
Farmers Home Administration.

JUNE 30, 1948.

[F. R. Doc. 48-6061; Filed, July 7, 1948; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

Subchapter C—Regulations Under the Farm Products Inspection Act

PART 55—SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF BUTTER, CHEESE, EGGS, POULTRY, AND DRESSED DOMESTIC RABBITS

PROCESSING AND PACKAGING EGG PRODUCTS

On May 18, 1948, notice of proposed rule making was published in the FEDERAL REGISTER (13 F. R. 2680) regarding the amendment of instructions governing plants operating as official plants processing and packaging egg products (7 CFR, 1946 Supp., 55.102) pursuant to the revised rules and regulations governing the sampling, grading, grade labeling, and supervision of packaging of butter, cheese, eggs, poultry, and dressed domestic rabbits (7 CFR, 1946 Supp., 55.1 et seq.). After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, the instructions are hereby amended and will become effective pursuant to the provisions of the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., approved June 19, 1948) as follows:

1. Delete the provisions in paragraph (c) (2) of § 55.102 and substitute therefor the following:

§ 55.102 *Instructions governing plants operating as official plants processing and packaging egg products.* * * *

(c) *Raw materials.* * * *

(2) Egg products which are to be identified with official identification, as aforesaid, may be produced only from edible (i) clean shell eggs, (ii) stained shell eggs, or (iii) shell eggs which are processed in the manner set forth in subparagraph (3) of this paragraph.

2. Delete paragraph (f) of § 55.102 and substitute therefor the following:

(f) *Segregating shell eggs.* (1) Shell eggs shall be adequately segregated, prior to delivery to the breaking room, so as to comply with the requirements of this section applicable to raw materials.

(2) Shell eggs shall be segregated in such manner as to avoid breakage or contamination. When shell eggs are candled they shall be so handled as to avoid breakage or contamination.

(Pub. Law 712, 80th Cong.)

This amendment shall become effective thirty days after the date of publication in the FEDERAL REGISTER.

Issued at Washington, D. C., this 2d day of July 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator

[F R. Doc. 48-6098; Filed, July 7, 1948; 8:54 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE SUGARCANE WAGE RATES IN FLORIDA DURING THE PERIOD JULY 1, 1948 TO JUNE 30, 1949

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, after investigation, and due consideration of the evidence obtained at the public hearing held in Clewiston, Florida, on May 15, 1948, the following determination is hereby issued:

§ 802.24dd *Fair and reasonable wage rates for persons employed in the production, cultivation, and harvesting of sugarcane in Florida during the period July 1, 1948 to June 30, 1949.* The requirements of section 301 (c) (1) of the Sugar Act of 1948 shall be deemed to have been met with respect to the production, cultivation, and harvesting of sugarcane in Florida during the period from July 1, 1948 to June 30, 1949, if the producer complies with the following:

(a) All persons employed on the farm in the production, cultivation, or harvesting of sugarcane shall have been paid in full for all such work and shall have been paid in cash therefor at rates as agreed upon between the producer and the laborer but, after the effective date of this determination, not less than the following:

(1) *For work performed on a time basis.*

	Cents per hour
(i) All work except as otherwise specified:	
Adult males	45.0
Adult females	38.0
(ii) Tractor drivers and operators of mechanical harvesting or loading equipment	55.0
(iii) Workers between 14 and 16 years of age (maximum employment per day for such workers, without deduction from Sugar Act payments to the producer, is 8 hours)	38.0

(2) *For work performed on a piece work basis.* The piece work rate for any operation shall be as agreed upon between the producer and the laborer: *Provided, however* That the earnings of each laborer employed on a piece work basis during each pay period (such period not to be in excess of two weeks) shall average for the time involved not less than the applicable hourly rate prescribed in paragraph (a) of this section.

(b) *Perquisites.* In addition to the foregoing, the producer shall furnish to the laborer without charge the customary perquisites, such as habitable house, medical attention, a suitable garden plot with facilities for its cultivation, and pasturage for livestock.

(c) *Subterfuge.* The producer shall not reduce the wage rates to laborers below those determined herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid persons employed in the production, cultivation, and harvesting of sugarcane in Florida during the period from July 1, 1948 to June 30, 1949. Compliance with the determination is required as one of the conditions for payment to producers of sugarcane in Florida under the Sugar Act of 1948. In this Statement, the foregoing determination, as well as determinations for prior years, will be referred to as "wage determination" identified by the period for which effective.

(b) *Requirements of the Sugar Act and standards employed.* In determining fair and reasonable wage rates, the Sugar Act requires that a public hearing be held, that investigations be made, and that consideration be given (1) to the standards formerly established by the Secretary under the Agricultural Adjustment Act, as amended, and (2) to the differences in conditions among various sugar producing areas.

A public hearing was held in Clewiston, Florida, on May 15, 1948, at which time interested persons presented testimony with respect to fair and reasonable wage rates for sugarcane work during the period July 1, 1948 to June 30, 1949. In addition, investigations have been made of the conditions affecting sugarcane wage rates in Florida. In this determination, as in prior determinations, consideration has been given to testimony presented at the hearing and to the information resulting from investigations. The primary factors on which determinations have been based are: (1) Prices of sugar and by-products; (2) income from sugarcane; (3) cost of production; (4) cost of living; and (5) relationship of labor costs to total cost. Other economic influences were also considered.

(c) *Background.* Wage determinations for sugarcane work in Florida have been issued each year since 1937. The first covered work in the harvesting of the 1937 crop while subsequent determinations covered all work applicable to the production, cultivation, and harvesting. Up until the 1945–46 crop harvesting wage determination, two wage determinations were issued each year, one covering production and cultivation for a calendar year, the other covering the harvesting of a crop. In the 1945–46 crop harvesting wage determination, production and cultivation wage rates also were included for the first six months of the calendar year 1946. Beginning July 1, 1946, a single determination has been issued each year for a 12-month period covering production, cultivation, and harvesting wages. Coincident with the issuance of a single determination, the rate differentials theretofore existing between harvest and non-harvest operations were eliminated and the rates provided were applicable to all work on sugarcane.

The early determinations specified time rates for adult male and female workers with alternative tonnage rates for harvesting. Subsequently, rate coverage was extended to include semi-skilled and skilled workers and workers between 14 and 16 years of age. Beginning with the 1946–47 wage determination, the practice of establishing specific harvesting piece work rates was discontinued. This change was made because the use of tonnage rates was discontinued by producers in favor of row rates since the latter provided greater incentive for increased output. The many variable factors involved made it impracticable to establish "per row" rates in the determination. However, provision was made for piece work rates by specifying that such rates for all classes of work were to be as agreed upon between producers and workers but subject to a minimum hourly guarantee of the workers' earnings. The 1947–48 wage determination required that the individual earnings of not less than 90 percent of all workers employed on a piece work rate basis average for the time involved not less than the applicable hourly rates stated in such determination. This requirement was made so that the majority of workers on piece work would have a floor under earnings, yet the producer would not be required to "build-up" the earnings of an estimated 10 percent or less of workers whose involuntary or voluntary output was such that their earnings were less than the stated hourly rates.

Generally, the level of rates established in the early determinations reflected the wage-income relationship prior to 1938. In the wage determinations covering the 1944–45 crop, an adjustment was made in the historic wage-income relationship after reappraisal of the factors influencing wage rates. Wage rates have been adjusted periodically to recognize economic changes. As a result of changes in the economic factors affecting wage rates, together with the adjustment in the wage-income relationship, the average basic time rates have been increased from 17.9 cents per hour in 1938 to 45.8 cents per hour in 1947–48, an increase of 155.9 percent.

(d) *1948–49 wage determination.* The 1948–49 wage determination is changed in two respects from the 1947–48 wage determination: (1) The specific provision relating to the furnishing of perquisites, which was inadvertently omitted from the 1947–48 wage determination, is reinstated and, (2) the provision relating to a minimum hourly guarantee for workers employed on a piece work basis is extended to include all such workers.

As previously noted, the 1947–48 wage determination required that the individual earnings of not less than 90 percent of all workers employed on a piece work basis average not less than the applicable hourly rates specified in the determina-

tion. Producers have found this provision to be administratively impracticable and have guaranteed the hourly rate as a minimum to 100 percent of the workers employed on a piece work basis. Although the complete elimination of a minimum hourly guarantee of earnings was recommended at the public hearing, the absence of such a provison would exclude the vast majority of sugarcane workers from specific wage coverage. Also important is the influence of the basic time rates on piece work rates. Investigation reveals that in many instances producers and workers use the basic time rates as guides in determining piece work rates. Accordingly, the 1948–49 wage determination provides that piece work rates shall be as agreed upon between the producer and the worker provided the earnings of each worker during each pay period average for the time involved not less than the applicable hourly rate prescribed in the wage determination.

(e) *General discussion of factors.* Since the base period 1944–45, sugarcane production costs and workers' costs of living have increased substantially. Sugar and molasses prices and producer income have also increased during this period, although sugar prices have declined since the date of issuance of the 1947–48 wage determination.

Available data indicate that labor productivity has increased during recent years as a result of mechanization and the increasing practice of piece work employment in both harvest and non-harvest operations. At the same time, the use of incentive piece work rates has strongly affected the earnings of sugarcane workers. During the past crop in this area, the earnings of the majority of workers on a piece work basis have ranged from about 60 cents to $1.10 per hour.

All of the foregoing factors have been taken into account in establishing the basic time rates in this determination, continuing in general the economic relationships which existed during the base period.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948.

(Secs. 301 and 403 of Pub. Law 388, 80th Cong.)

Issued this 1st day of July 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-6062; Filed, July 7, 1948; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-324]

PART 24—MECHANIC CERTIFICATES

LIMITED MECHANIC CERTIFICATE WITH PROPELLER OR AIRCRAFT APPLIANCE RATING

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 30th day of June 1948.

Part 52 of the Civil Air Regulations requires a repair station to have adequate personnel certificated as required by the Civil Air Regulations. This regulation necessitates the employment of an aircraft or aircraft engine mechanic by an approved repair agency, except as provided by Special Civil Air Regulation Serial Number 340, as amended, which authorizes the issuance of a limited mechanic certificate to an applicant who is employed and designated by either a manufacturer holding an appropriate production certificate or by the holder of a repair station certificate with a propeller or aircraft appliance rating. This regulation expires June 30, 1948. The purpose of this proposal is to continue the authorization for limited mechanic certificates for an additional six-month period within which time the Safety Bureau expects to complete a revision of Part 24. Termination of this regulation would impose an undue burden on propeller and aircraft appliance manufacturers and repair stations. Therefore, it is in the public interest to continue the issuance of limited mechanic certificates authorized by Special Civil Air Regulation Serial Number 340, as amended, for an additional six-month period.

For the reasons stated above, notice and public procedure hereon are unnecessary. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

The Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective July 1, 1948:

A mechanic certificate with a propeller or aircraft appliance rating, excepting a parachute rating, may be issued by the Administrator of Civil Aeronautics to an individual who is employed and designated by either a manufacturer holding a currently effective propeller or aircraft appliance production certificate or by an applicant for, or the holder of, a repair station certificate with a propeller or aircraft appliance rating. The individual must be in direct charge of the inspection, overhaul, or repair of propellers or aircraft appliances, and his experience and employment record must indicate that he is competent to engage in such activity. The individual to whom a certificate is issued shall exercise the privileges of his certificate only with respect to the work performed for such manufacturer or repair station and through the use of facilities provided by the manufacturer or repair station.

This regulation supersedes Special Civil Air Regulation Serial Number 340, as amended, and shall terminate December 31, 1948.

(Secs. 205 (a) 601, 602, 607, 52 Stat. 984; 1007, 1008, 1011, 49 U. S. C. 425 (a), 551, 557)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-6036; Filed, July 7, 1948; 8:59 a. m.]

[Civil Air Regs., Amdt 41-22]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

FLIGHT RECORDERS FOR SCHEDULED AIR CARRIER OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of June 1948.

The provisions of § 41.24 require that after June 30, 1948, all scheduled air carrier aircraft of 10,000 pounds or more maximum authorized take-off weight shall be equipped with flight recorders.

It now appears that appropriate quantities of flight recorders are not available. Moreover, the lack of information as to the dependability of those available makes it impracticable to enforce compliance with this requirement on the date specified. It also appears desirable to obtain some operational experience to prove the serviceability and dependability of such types of flight recorders as are available before requiring that all transport aircraft be equipped with these devices.

The Air Transport Association of America on behalf of the scheduled air carriers has agreed to initiate a program for the service testing of available instruments on various make and model aircraft used by the air carriers. This program will be submitted to the Board for approval, and the air carriers will make periodic reports to the Board with respect to the service tests being conducted.

After an appropriate proving period, the Board intends to specify a date subsequent to which all scheduled air carrier aircraft over 10,000 pounds certificated maximum take-off weight shall be required to be equipped with flight recorders.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR, Part 41, as amended) effective July 1, 1948, by deleting § 41.24.

(Secs. 205 (a), 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C. 425 (a), 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-6033; Filed, July 7, 1948; 8:58 a. m.]

[Civil Air Regs., Amdt. 43-4]

PART 43—GENERAL OPERATION RULES

ADEQUATE FUEL RESERVE FOR IFR FLIGHTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of June 1948.

Presently effective non-air-carrier regulations do not contain any fuel supply requirements for IFR flights. Such requirements, which were in Part 60 prior to its revision in August 1947, were omitted therefrom, as it was considered that such requirements were operating rules and should be placed in Part 43.

The purpose of this amendment, therefore, is to place the fuel supply requirements for IFR flights in Part 43 of the Civil Air Regulations.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 43 of the Civil Air Regulations (14 CFR, Part 43, as amended) effective July 30, 1948:

1. By adding a new § 43.412 to read as follows:

§ 43.412 *Fuel supply.* Aircraft operated under IFR conditions shall carry sufficient fuel, considering weather reports and forecasts of wind and other weather conditions, to complete the flight to the point of first intended landing, to fly from there to the alternate airport, and to fly thereafter for 45 minutes at normal cruising speed. (Secs. 205 (a) 601, 52 Stat. 984, 1007; 49 U. S. C. 425 (a) 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-6090; Filed, July 7, 1948; 8:58 a. m.]

[Civil Air Regs., Amdt. 61-1]

PART 61—SCHEDULED AIR CARRIER RULES

FLIGHT RECORDERS FOR SCHEDULED AIR CARRIER OPERATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of June 1948.

The provisions of § 61.341 require that after June 30, 1948, all scheduled air carrier aircraft of 10,000 pounds or more maximum authorized take-off weight shall be equipped with flight recorders.

It now appears that appropriate quantities of flight recorders are not available. Moreover, the lack of information as to the dependability of those available makes it impracticable to enforce compliance with this requirement on the date specified. It also appears desirable to obtain some operational experience to prove the serviceability and dependability of such types of flight recorders as are available before requiring that all transport aircraft be equipped with these devices.

The Air Transport Association of America on behalf of the scheduled air carriers has agreed to initiate a program for the service testing of available instruments on various make and model aircraft used by the air carriers. This program will be submitted to the Board for approval, and the air carriers will make periodic reports to the Board with respect to the service tests being conducted.

After an appropriate proving period, the Board intends to specify a date subsequent to which all scheduled air carrier aircraft over 10,000 pounds certificated maximum take-off weight shall be required to be equipped with flight recorders.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 61 of the Civil Air Regulations (14 CFR, Part 61, as amended) effective July 1, 1948, by deleting § 61.341.

(Secs. 205 (a) 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C. 425 (a) 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-6089; Filed, July 7, 1948; 8:58 a. m.]

[Regs., Serial No. ER-129]

PART 202—ACCOUNTS, RECORDS AND REPORTS

REPORTING REQUIREMENTS FOR IRREGULAR AIR CARRIERS AND NONCERTIFICATED CARGO CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of June 1948.

Section 202.1 (c) (3) is being amended to eliminate the requirement that Large Irregular Air Carriers file a Flight Report for the calendar quarter ending March 31, 1948. A minor clarifying change is also being made in the language prohibiting public disclosure of data reported under the regulation.

The Board finds that operational reports filed pursuant to § 292.1 paragraph (c) (6) before its repeal are adequate for the Board's purposes and that, inasmuch as considerable duplication of information would be involved in First Quarter Flight Reports under § 202.1 (c) no useful purpose would be served by requiring submission.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends § 202.1 (c) of the Economic Regulations paragraph (3) by revising the first two sentences thereof to read as follows, effective immediately:

§ 202.1 *Reports of financial and operating statistics.* * * *

(c) *Irregular air carriers and noncertificated cargo carriers.* * * *

(3) *Flight report by large irregular air carriers.* Commencing with a report for the second calendar quarter of 1948, the three months' period ending June 30, 1948, each Large Irregular Air Carrier shall file a "Flight Report" for each calendar quarter within twenty days after the termination of the reporting period. Data reported pursuant to subdivisions (ii) and (iii) of this subparagraph shall be available for official use on behalf of the Civil Aeronautics Board, but shall otherwise be withheld from public disclosure except as disclosure may be necessary in carrying out responsibilities under section 412 of the act. * * *

(Secs. 205 (a) 407, 1104; 52 Stat. 984, 1000, 1026; 49 U. S. C. 425, 487, 674)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-6091; Filed, July 7, 1948; 8:58 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51959]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

INTERNATIONAL ORGANIZATIONS; CUSTOMS EXEMPTIONS ACCORDED TO RESIDENT REPRESENTATIVES OF THE UNITED NATIONS AND SPECIALIZED AGENCIES THEREOF

The following section is hereby added to Part 10 of the Customs Regulations of 1943 (19 CFR, Cum. Supp., part 10)

§ 10.30b *Importations for resident representatives of the United Nations and specialized agencies thereof.* (a) The privilege of importing free of duty and internal-revenue tax articles for their personal or family use may be granted to (1) every person designated by a Member nation as the principal resident representative to the United Nations of such Member or as a resident representative with the rank of ambassador or minister plenipotentiary, (2) such resident members of their staffs as may be agreed upon between the Secretary-General, the Government of the United States and the Government of the Member concerned, (3) every person designated by a Member of a specialized agency as its principal resident representative, with the rank of ambassador or minister plenipotentiary, at the headquarters of such agency in the United States, and (4) such other principal resident representatives of Members to a specialized agency and such resident members of the staffs of representatives to a specialized agency as may be agreed upon between the principal executive officer of the specialized agency, the Government of the United States and the Government of the Member concerned.

(b) This privilege shall be granted only upon the Department's instruction in each instance which will be issued only upon the request of the Department of State.

(c) No entry is required for shipments admitted free of duty and internal-revenue tax under this section. (Secs. 498, 624, 46 Stat. 728, 759; Art. V sec. 15 Pub.

Law 357, 80th Cong., 19 U. S. C. 1498, 1624)

[SEAL] W. R. JOHNSON,
Acting Commissioner of Customs.

Approved: June 30, 1948.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 48-6068; Filed, July 7, 1948; 8:57 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Economic Cooperation Administration

[ECA Reg. 3]

PART 1115—COMMERCIAL FREIGHT SHIPMENTS OF SUPPLIES BY VOLUNTARY NON-PROFIT RELIEF AGENCIES

Preamble: The provisions of this part have been approved by the Advisory Committee on Voluntary Foreign Aid.

Sec.
1115.1 Scope of this part.
1115.2 Agencies within scope of this part.
1115.3 Manner of payment of charges.
1115.4 Saving clause.

AUTHORITY: §§ 1115.1 to 1115.4, inclusive, issued under sec. 117 (c), Pub. Law 472, 80th Cong.

§ 1115.1 *Scope of this part.* This part provides the rules under which the Administrator for Economic Cooperation will pay ocean freight charges from the United States ports to designated foreign ports of entry on supplies donated to or purchased by United States voluntary non-profit relief agencies registered with and recommended by the Advisory Committee on Voluntary Foreign Aid, for distribution in Austria, Belgium, China, France, the United Kingdom, Greece, Italy, Luxembourg, the Netherlands, or the zones of Germany and Trieste occupied by the United States, the United Kingdom or France.

§ 1115.2 *Agencies within scope of this part.* Any voluntary non-profit relief agency may make application for payment, as provided herein, if the Advisory Committee on Voluntary Foreign Aid has certified to the Administrator for Economic Cooperation that said application is for payment for shipments within a program previously submitted to and approved by the Committee and that:

(a) The applicant is registered with and recommended by the Advisory Committee on Voluntary Foreign Aid as a United States voluntary non-profit relief agency, and that:

(1) It is not engaged in commercial or political activities;

(2) Contributions to it are eligible for tax exemption under income tax laws;

(3) It is directed by an active and responsible board of American citizens who serve without compensation;

(4) Its accounts are regularly audited by a certified public accountant;

(5) It currently reports its activities and operations to the Advisory Committee on Voluntary Foreign Aid and that such reports are open for public inspection;

(6) It submits to said Committee its general program and projects by countries of operation, together with its budget and reports of its income and expenditures, its transfer of funds, and its exports of commodities and such other information that such Committee may deem necessary.

(b) The Government of the country in which the supplies are distributed affords appropriate facilities for the necessary and economic operations of the applicant's program.

(c) The supplies for which application for reimbursement of freight charges is made hereunder were essential in support of the program approved by said Committee.

(d) The supplies are free of customs duties, other duties, tolls and taxes.

(e) The consignees are acceptable to said Committee and the applicant has assumed responsibility for noncommercial distribution of the supplies free of cost to the person or persons ultimately receiving them and distribution of said supplies is supervised by United States citizens, and said operations are appropriately identified as to their American character.

§ 1115.3 *Manner of payment of charges.* The Administrator for Economic Cooperation will reimburse agencies qualified hereunder, to the extent of ocean freight charges paid by them for shipments made in conformity with this part, *Provided:* That application for such payment must be submitted to the Administrator, within 30 days of date of shipment, together with receipted invoices for such charges, supported by ocean bills of lading, showing that such charges are limited to the actual cost of transportation of the supplies from end of ship's tackle at the United States port of loading to end of ship's tackle at port of discharge, correctly assessed at the time of loading by the carrier for freight, on a weight, measurement or unit basis, and free of any other charges.

§ 1115.4 *Saving clause:* The Administrator for Economic Cooperation may waive, withdraw or amend at any time or from time to time any or all of the provisions of the regulations in this part.

These regulations are effective as of July 8, 1948.

PAUL G. HOFFMAN,
Administrator for Economic Cooperation.

[F. R. Doc. 48-6107; Filed, July 7, 1948; 8:55 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

Subchapter D—Multifamily Rental Housing Insurance

PART 532—ADMINISTRATIVE RULES UNDER SECTION 207, NATIONAL HOUSING ACT

ELIGIBILITY FOR INSURANCE

Section 532.4 *Eligibility for insurance,* is hereby amended by the addition of the following sentence at the end thereof: "The limitations contained in the second sentence of this section shall not apply to a mortgage with respect to a non-profit cooperative ownership housing corporation (whose membership consists primarily of veterans of World War II) the permanent occupancy of the dwellings of which is restricted to members of such corporation or a project constructed by a non-profit corporation (whose membership consists primarily of veterans of World War II) organized for the purpose of construction of homes for members of the corporation, provided such mortgage involves a principal obligation in an amount not exceeding 95% of the amount which the Commissioner estimates will be the value of the project when the proposed improvements are completed."

(Sec. 211, 48 Stat. 1246, Pub. Law 864, 80th Cong., 12 U. S. C. 1715b)

This amendment to Part 532 is effective as to all mortgages on which a commitment to insure under section 207 is issued on or after July 2, 1948.

Issued at Washington, D. C., July 2, 1948.

[SEAL] FRANKLIN D. RICHARDS,
Commissioner.

[F. R. Doc. 48-6037; Filed, July 7, 1948; 9:18 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 1—AREAS ADMINISTERED BY THE NATIONAL PARK SERVICE

DESIGNATION OF HAMPTON NATIONAL HISTORIC SITE NEAR TOWSON, MD.

Whereas the Congress of the United States has declared it to be a national policy to preserve for public use historic sites, buildings, and objects of national significance for the benefit of inspiration of the people of the United States, and

Whereas historic "Hampton," near Towson, Maryland, built between 1783 and 1790 and one of the finest Georgian Mansions in America, has been acquired for the people of the United States through a generous private gift to the Nation, and

Whereas the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments has declared that "Hampton" is of national historical significance as a splendid example of a great Georgian Mansion illustrating a major phase of the architectural history of the United States, and

Whereas title to the above mentioned building and appropriate grounds is vested in the United States:

Now, therefore, I, J. A. Krug, Secretary of the Interior, under and by virtue of the authority conferred upon the Secretary of the Interior by section 2 of the act of Congress approved August 21, 1935 (49 Stat. 666; 16 U. S. C. 461-467), do hereby designate the following-described lands, with the structures thereon, to be a national historic site, having the name "Hampton National Historic Site:"

That certain parcel of land, together with the structures thereon, situated in the Ninth Election District of Baltimore County, State of Maryland, conveyed to the United States of America by John Ridgely, Jr., and Jean R. Ridgely, his wife, by deed dated January 23, 1948, and recorded in the Baltimore County Registry of Deeds on February 19, 1948, which, according to a survey made by Dollenberg Brothers on December 29, 1947, is found to be within the following metes, bounds, courses, and distances, to wit:

Beginning at a stone heretofore set at the beginning of the fifth or south twenty-two and one-half degrees west sixteen feet line of a parcel of land containing one thousand acres allotted to John Ridgely of Hampton in certain partition proceedings in the Circuit Court for Baltimore County and recorded in Judicial Liber W. P. C. No. 209 folio 235 in the case of John Ridgely of Hampton vs. Otho E. Ridgely, et al., and running thence with and binding on the outline of said parcel of land as the bearings are now referred to true meridian as established on "Plat No. 1 of Hampton" the eight following courses and distance viz: south thirteen degrees thirty-five minutes west sixteen feet to a stone, south seventy-seven degrees thirty-one minutes east one hundred ninety-nine and sixty-five one-hundredths feet, south nineteen degrees thirty-seven minutes west ten feet to a stone, south seventy-five degrees twelve minutes east twenty feet to a stone, north eighteen degrees two minutes east ten and eighteen one-hundredths feet to a stone, south seventy-seven degrees four minutes east one hundred forty-seven and ninety-five one-hundredths feet to a stone, north seventeen degrees fifty-five minutes east forty-two and fifty one-hundredths feet to a stone and south eighty degrees fifteen minutes east three hundred eighty-five and sixty one-hundredths feet to a pipe; thence leaving said outlines and running for lines of division the six following courses and distances viz: north nine degrees eighteen minutes east, running parallel with and distant five feet westerly from the west wall of the Burial Ground there situate, one hundred eighty-four feet to a pipe, north one degree forty-seven minutes west six hundred seventy-four and fifty one-hundredths feet to a pipe, north twenty degrees eleven minutes west one hundred forty-one and two one-hundredths feet to a pipe, north eleven degrees forty-nine minutes east, binding in the center of a fifty foot road now laid out with the right and use thereof in common with others entitled thereto, four hundred feet, north seventy-one degrees fifty-six minutes west one hundred seventy-six and forty-five one-hundredths feet to a pipe and north four degrees twenty-seven minutes east three hundred ninety-three and twenty-five one-hundredths feet to a pipe set on the southeast side of Hampton Lane, fifty feet wide, thence binding on the southeast side of said Lane the two following courses and distances viz: south sixty-nine degrees sixteen minutes west eight hundred fourteen and fifty-five one-hundredths feet and south sixty-one degrees fourteen minutes west seven hundred ninety feet to a pipe, thence leaving said Lane and running for a line of division south thirty-two degrees east eleven hundred eighty-three and five one-hundredths feet to a pipe set in the fourth or south seventy-four degrees east one hundred nine and four-tenths perches line of the above referred to one thousand acres of land allotted to John Ridgely of Hampton; and thence running with and binding on a part of said line, south seventy-nine degrees eighteen minutes east one hundred seventy-eight and seventeen one-hundredths feet to the place of beginning. Containing 43.295 acres of land more or less.

The administration, protection, and development of this national historic site shall be exercised by the National Park Service in accordance with the provisions of the act of August 21, 1935.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the city of Washington, this 22d day of June 1948.

[SEAL] J. A. KRUG,
Secretary of the Interior

[F. R. Doc. 48-6048; Filed, July 7, 1948; 9:15 a. m.]

TITLE 37—PATENTS AND COPYRIGHTS

Chapter II—Copyright Office, Library of Congress

PART 201—REGISTRATION OF CLAIMS TO COPYRIGHT

SUBJECT MATTER OF COPYRIGHT

The entire § 201.4 (b) (7) is amended to read as follows:

§ 201.4 *Subject matter of copyright.* * * *

(b) * * *

(7) *Works of art and models or designs for works of art.* The term "work of art" includes works of artistic craftsmanship, in so far as their form but not their mechanical or utilitarian aspects are concerned, such as artistic jewelry, enamels, glassware, and tapestries; as well as all works belonging to the so-called fine arts, such as paintings, drawings and sculpture.

(Sec. 207, Pub. Law 281, 80th Cong., sec. 207, 61 Stat. 666)

[SEAL] SAM B. WARNER,
Register of Copyrights.

Approved: July 2, 1948.

LUTHER H. EVANS,
Librarian of Congress.

[F. R. Doc. 48-6047; Filed, July 7, 1948; 8:46 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 52—GRANTS FOR CANCER CONTROL PROGRAMS

Sec.
52.1 Definitions.
52.2 Basis of allotments.
52.3 Allotments; time of making; duration.
52.4 State plans; submission and amendments.
52.5 State plans; contents.
52.6 State plans; time of submission and approval.
52.7 Payments to States.
52.8 Required expenditure of State and local funds.
52.9 Required administrative standard; State plans; expenditures.
52.10 Required administrative standard; State plans; cancer services.
52.11 Required administrative standard; State plans; personnel administration on a merit basis.
52.12 Required administrative standard; State plans; training of personnel.
52.13 Required administrative standard; fiscal affairs.
52.14 Required information and reports; audits.
52.15 Project grants; eligibility; submission of plan; approval.
52.16 Project plans; contents.
52.17 Payment to project grantees; unused funds.
52.18 Project expenditures; required reports; audits.

AUTHORITY: §§ 52.1 to 52.18, inclusive, issued under sections 215 and 402 (f), 58 Stat. 690, 707, as amended, Pub. Law 639, 80th Cong., 42 U. S. C. 216, 282.

§ 52.1 *Definitions.* As used in this part:

(a) "Act" means the "Public Health Service Act" approved July 1, 1944, 58 Stat. 682, as amended.

(b) "Allotment" means funds allotted to a State on the basis of the formula prescribed in the regulations of this part and to be expended under plans submitted by the State health authority. (Sections 52.2 to 52.14, inclusive, relate to allotted funds.)

(c) "Exception" means the amount of Federal funds expended contrary to this part or the State plan.

(d) "Federal funds" means funds appropriated by Congress for carrying out the purposes of Title IV of the act.

(e) "Extent of cancer problem" means the ratio which the average annual number of deaths from cancer during the years 1941-45, inclusive, in each State bears to the total cancer mortality in the United States.

(f) "Financial need" as applied to any State means the relative per capita income, as shown by data supplied by the Bureau of Foreign and Domestic Commerce for the period 1942-46, inclusive.

(g) "Grantee" includes any State agency administering a cancer program and any university, hospital, laboratory, institution, or professional nonprofit organization whether public or private dealing with the cancer problem which receives a grant of Federal funds under the regulations in this part.

(h) "Official forms" means forms and instructions supplied by the Public Health Service to the State health authority for use in the submittal of State plans or information required with respect to the operation of such plans.

(i) "Political subdivision" includes counties, health districts, municipalities, and other subdivisions of the State established for governmental purposes.

(j) "Population" as applied to any State or political subdivision, means the total population thereof, as of July 1, 1946, according to the estimates of the Bureau of the Census.

(k) "Program" means the activities and services planned for the prevention, control, and eradication of cancer.

(l) "Project grant" means funds allotted to a grantee for carrying out special projects. (Sections 52.15 to 52.18, inclusive, relate specifically to projects.)

(m) "Public Health Service" means the Public Health Service in the Federal Security Agency.

(n) "Special projects" means specific programs of a noncontinuing nature re-

lating to the prevention, control, and eradication of cancer, including training. Research projects other than for statistical research are excluded.

(o) "State" includes any State, the District of Columbia, Hawaii, Alaska, Puerto Rico, or the Virgin Islands.

(p) "State health authority" means the official State agency administering the State health program.

(q) "State plan" refers to the information and proposals, including budgets, submitted by the State health authority pursuant to the regulations in this part for activities of the States and political subdivisions thereof for the prevention, control, and eradication of cancer.

§ 52.2 *Basis of allotments.* Of the total sum determined by the Surgeon General to be available for the fiscal year 1949 for grants to States on a formula basis, allotments to the several States shall be as follows:

60 percent on the basis of population weighted by financial need.

35 percent on the basis of the extent of the cancer problem.

5 perecnt on the basis of relative population density.

§ 52.3 *Allotments; time of making; duration.* (a) Allotments for the first six months shall be made prior to the beginning of the fiscal year or as soon thereafter as practicable, and shall equal not less than 60 percent nor more than 70 percent of the total sum determined to be available for allotment. At the end of the second quarter, the amounts of allotments for the first six-month period which have not been certified for payment to the respective States pursuant to § 52.7 shall become available for allotment among the States in the same manner as moneys which had not previously been allotted.

(b) Allotments for the remaining six months shall be made prior to the beginning of the third quarter or as soon thereafter as practicable, and shall equal the total sum remaining unpaid and unallotted from the amount available for allotment during the fiscal year.

(c) The Secretary of the Treasury and the respective State health authorities shall be notified of the amounts of allotments and of the period for which they are made.

§ 52.4 *State plans; submission and amendments.* (a) Each State making application for grants for a cancer control program shall submit plans through its State health authority. A State making such an application may consolidate its plan with the plans submitted in accordance with section 314 of the act: *Provided,* That the information specifically required for a State plan is distinguished with respect to each purpose.

(b) The State plan and amendments thereto shall be prepared in accordance with official forms supplied by the Public Health Service for the purpose.

(c) The State plan may be amended with the approval of the Surgeon General or his designee. Amendments shall state the period they are to be in effect.

§ 52.5 *State plans; contents.* A State plan for a cancer control program shall consist of two parts:

(a) Part I shall describe the current organization and functions of health services for the program and the proposals of the State health authority for extending, improving, and otherwise modifying such organization and functions. It shall include a description of the services and a statement that the plan if approved shall be carried out as described and in accordance with the regulations in this part.

(b) Part II shall consist of proposed budgets for carrying out the activities described in Part I, and shall specify the period for which such budgets are submitted.

§ 52.6 *State plans; time of submission and approval.* (a) Parts I and II of a plan (the former in duplicate, the latter in triplicate) shall be submitted prior to July 1, 1948, or as soon thereafter as practicable.

(b) Review and approval of Part I shall precede review and approval of Part II. Part II of a plan shall not be approved unless each item thereof relates to activities specifically described in Part I.

Part II of a plan shall not be approved for any period antedating receipt of such part by the Public Health Service: *Provided,* That exceptions to this rule may be made by the Surgeon General when necessary to meet emergencies.

§ 52.7 *Payments to States.* Payments from allotments to a State having an approved plan shall not exceed the allotment to such State or the total estimated expenditure necessary for carrying out the State plan, whichever is less. Subject to the foregoing limitations, payments shall be made as follows:

(a) Payment for the first quarter shall be based upon an application for funds showing the State's estimated requirement for such quarter.

(b) Payment for the second quarter shall be the amount of the difference between the unpaid balance of the allotment of the respective State for the first six months and the unencumbered cash balance of the Federal funds in the State Treasury at the beginning of the first quarter, adjusted for exceptions.

(c) Payment for subsequent quarters from the allotment for the final six-month period shall be made once in each quarter and shall be based upon an application for funds showing the estimated requirements for such quarter and the estimated unencumbered balance of Federal funds in the State Treasury at the beginning of the quarter for which payment is to be made. All such payments shall be in the amount of the difference between the estimated requirement and the estimated unencumbered cash balance adusted for exceptions, except that the amount paid for either the third or the fourth quarter, together with the estimated unencumbered balance of Federal funds in the State Treasury at the beginning of the quarter, shall not exceed 35 percent of the total amount available to the State for the year.

(d) Any amount in excess of 35 percent of the total allotment to a State remaining unpaid after the third quarter payment, and any unpaid balance in the allotment of a State remaining unpaid after the final payment to a State, shall be available for special project grants.

(e) Payments from allotments shall not be certified unless an application for payment and all reports and documents prescribed by the regulations in this part to be due have been received.

§ 52.8 *Required expenditure of State and local funds.* (a) Moneys paid to any State for carrying out an approved State plan shall be paid on the condition that there be expended in the State, during the fiscal year 1949 and for purposes specified in the State plan, public funds of the State and its political subdivisions (excluding any funds derived by loan or grant from the United States) and contributions made available by voluntary agencies for carrying out the State plan in an amount equal to 50 percent of the amount of Federal funds to be expended pursuant to the State plan.

Required expenditures of State and local funds may include funds available specifically for cancer programs and funds for generalized service to the extent that such expenditures contribute to the cancer program and are not used to meet the requirements for State and local expenditures of other Federal grant programs.

(b) Federal funds paid to a State for its cancer control program shall not be used to conserve State and local funds otherwise available for such purpose.

§ 52.9 *Required administrative standard; State plans; expenditures.* (a) Federal funds paid to a State shall be expended solely for the purposes specified in plans approved by the Surgeon General or his designee, and in accordance with the regulations in this part.

(b) Except as otherwise authorized by the Surgeon General, the provisions of State law which are applicable to the expenditure of moneys appropriated by the State shall apply to the expenditure of Federal moneys paid to the State.

§ 52.10 *Required administrative standard; State plans; cancer services.* The State plan shall provide for cancer services in substantial accordance with nationally accepted standards. Compliance with standards of performance by health agencies receiving Federal funds shall be evaluated on the basis of criteria prescribed by the Surgeon General.

§ 52.11 *Required administrative standard; State plans; personnel administration on a merit basis.* A system of personnel administration on a merit basis shall be established and maintained for personnel employed in the program, the budget of which provides for the expenditure of Federal funds. Standards for evaluating compliance with this requirement shall be contained in "Merit System Policies of the Public Health Service" in effect at the time of the expenditure.

§ 52.12 *Required administrative standard; State plans; training of personnel.* Use of Federal funds for training personnel for State and local health work shall be authorized by the State health authority in accordance with "Minimum Standards for Sponsored Training of the Public Health Service."

Records of authorized training shall be maintained in the State health agency and shall be audited for compliance with these standards.

§ 52.13 *Required administrative standards; fiscal affairs.* (a) The principal State accounting officer shall maintain either (1) a separate and distinct fund account for Federal cancer funds; or (2) a separate and distinct fund account for each State agency in which may be commingled all Public Health Service grants (and no other funds) available to such agency.

(b) The State and local public health agencies receiving cancer funds under the regulations of this part shall establish and maintain efficient methods for conducting fiscal affairs (including financial and property controls) Each State agency shall maintain a separate and distinct fund account for the Public Health Service cancer grant.

§ 52.14 *Required information and reports; audits.* (a) The Surgeon General may require the submission of information pertinent to the operation of the State plan and to the purpose of the grant, including the following, which wherever possible may be consolidated with data furnished in accordance with section 314 of the act: *Provided,* That the information specifically required for the cancer control program is identified:

(1) A certification on an official form as to the amount of State and local funds available for carrying out the State plan shall be due in duplicate prior to October 1, 1943.

(2) Quarterly reports on official forms showing total receipts, expenditures, unliquidated encumbrances and balances of Federal funds, and total quarterly expenditures from Federal grants and other sources for each budget shall be due in duplicate 45 days after the close of the quarter.

(3) A detailed annual report on an official form showing expenditures for each budget and item for the fiscal year 1948 shall be due in duplicate on October 1, 1949.

(4) A report on an official form showing personnel, facilities, and services for each local health organization included in the current State plan shall be due in duplicate on September 15, 1948.

(b) Audit of the activities and program described in the State plan may be made after prior consultation with the State health authority. Records, documents, and information available to the State health authority pertinent to the audit shall be accessible for purposes of audit.

§ 52.15 *Project grants; eligibility; submission of plan; approval.* State health agencies, universities, hospitals, laboratories, institutions, or professional nonprofit organizations, public or private, will be eligible to apply for funds for projects relating to cancer control. The applicant shall submit plans for such projects through the State health authority.

§ 52.16 *Project plans; contents.* A project plan with respect to a cancer grant shall describe:

(a) The current organization and functions of the applicant, personnel available for cancer activities, objectives of the project and techniques for operation; and

(b) The amount of funds available to the applicant for the project, the amount of Federal funds required, the personnel needed, the cost of permanent equipment, consumable supplies and travel, and the period during which the project will be operated.

§ 52.17 *Payment to project grantees; unused funds.* Upon the approval of a project plan the total amount of the project will be paid directly to the grantee. A separate and distinct fund account shall be maintained by the grantee for the Federal funds paid hereunder. Any balances of the grant remaining unspent at the close of the project shall be returned to the Treasury of the United States.

§ 52.18 *Project expenditures; required reports; audits.* Federal funds paid to a project grantee shall be expended solely for the purposes specified in the project plan approved by the Surgeon General and in accordance with the regulations in this part. Progress and financial reports shall be submitted to the Surgeon General by the grantee after nine months of project operation, and at the end of the approved project period. Audit of the activities described in the project plan may be made after prior consultation with the grantee. Records, documents, and information available to the grantee pertinent to the audit shall be accessible for purposes of audit.

Effective date; prior regulations superseded. The regulations in this part, which become effective upon the date of their publication in the FEDERAL REGISTER, shall apply for the fiscal year 1949, and with respect to such fiscal year, shall supersede the regulations heretofore contained in this part.

Dated: June 21, 1948.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: July 2, 1948.

OSCAR R. EWING,
Federal Security Administrator

[F. R. Doc. 48-6097; Filed, July 7, 1948; 8:54 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 43—REPORTS (RULES GOVERNING THE FILING OF INFORMATION, CONTRACTS, PERIODIC REPORTS, ETC.)

ORDER REVISING ANNUAL REPORT FORM "R"

In the matter of revision of Annual Report Form R[1] Applicable to Class A and Class B radiotelegraph carriers.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of June 1948;

The Commission, having under consideration proposals to revise certain schedules of Annual Report Form R applicable to Class A and Class B radiotelegraph carriers; to add a new schedule; to delete an existing schedule; and to make various editorial changes therein as set forth in the Appendix attached hereto;

It appearing, that the proposed revisions, addition, deletion, and editorial changes do not constitute substantive changes in, and do not in any way affect the requirements of, any of the applicable Commission's rules and regulations; and

It further appearing, that the proposed changes are designed to clarify and simplify present reporting requirements and will represent a relaxation of such reporting requirements; and

It further appearing, that the nature of the proposed changes is such as to render unnecessary the notice and procedure provided for in section 4 of the Administrative Procedure Act;

It is ordered, That, effective immediately, Annual Report Form R, is amended as set forth below.

Released: June 23, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Revisions of schedules in Annual Report Form R as follows:

1. At page 5, Schedule 3, "General Officers and Executives," in both the first and second lines of Instruction 1, change the amount "$10,000" to read "$15,000."

2. At page 8, Schedule 5, "Security Holders and Voting Rights," change the periods to commas at the end of both the second and third sentences of Instruction 2, and add the words "if known."; and delete the fourth sentence.

3. At page 106, Schedule 101, "Radiotelegraph Plant and Related Accounts," delete instruction 5; redesignate instruction 6 as instruction 5, and delete the words "column (h)" and substitute the words "columns (g) and (h)" in this same instruction; and redesignate instruction 7 as instruction 6.

4. At page 132, delete Schedule 135, "Operating Revenues Receivable from Users."

5. At page 138, Schedule 154, "Other Deferred Charges," change the period to a comma at the end of the first sentence of Instruction 1 and add the following words: "and no entries need be made in column (d) 'Account charged,' for such items," and delete the text of Instruction 2 and substitute the following:

Show in a note only the longest period of amortization applicable to each group of major items and each group of minor items of deferred charges of similar character being amortized.

6. At page 211, Schedule 239, "Other Deferred Credits," change the period to a comma at the end of Instruction 1, and add the following words: "and no entries need be made in column (d), 'Account

[1] This form is required to be filed to comply with § 43.21 of Part 43 of the Commission's rules.

credited,' for such items."; and delete the text of Instruction 2 and substitute the following:

Show in a note only the longest period of amortization applicable to each group of major items and each group of minor items of deferred credits of similar character being amortized.

7. At page 313, Schedule 308, "Other Leased Plant Revenue," delete present instructions and substitute the following:

Give complete details of all rents received or receivable from affiliates. Similar transactions involving others may be grouped in one balancing figure.

8. At page 334, Schedule 333, "Rent Expenses," delete present instructions and substitute the following:

Give complete details of all rents paid or payable to affiliates. Similar transactions involving others may be grouped in one balancing figure.

9. At page 335, Schedule 334, "Advertising," in line 3, delete the word "and" after "pamphlets," and after the word "inserts" add the following: " window displays, exhibits, posters, and placards"; and in line 4, delete the particulars in column (a)

10. At page 374, Schedule 369, "Interest Costs," make the following changes: (a) Redesignate instruction 2 as instruction 3; (b) add a new instruction as follows:

2. Among the reconciling items include specific indications of the nature of any difference between the total of column (e) of Schedule 216 and the sum of lines 1 to 5, inclusive, of this schedule.,

(c) in line 1, column (b) change the numeral from 41 to 40; (d) in line 2, column (b) change the numeral from 42 to 41, (e) substitute a heavy line under line 5; and (f) in line 6 delete the particulars in columns (a) and (b) and the dividing line between the said columns, and substitute the word "Subtotal"

11. Following Schedule 373, add new Schedule 374,[1] "Delayed Income Credits and Charges," as attached.

12. At page 426, Schedule 408A, "Employees and Their Salaries—Radiotelegraph," change the caption over columns (b) (c) and (d) from "June" to "April."

13. At page 431, Schedule 410, "Accidents to Persons During the Year," delete the particulars in column (a) of lines 5 to 10, inclusive, and substitute the following:

(On line 5) "Over 1 day but not over 1 week"

(On line 6) "Over 1 week but not over 4 weeks"

(On line 7) "Over 4 weeks but not over 26 weeks"

[F. R. Doc. 48-6086; Filed, July 7, 1948; 8:57 a. m.]

[1] Filed with the original document. Copies may be obtained upon request to the Federal Communications Commission, Washington, D. C.

PART 43—REPORTS (RULES GOVERNING THE FILING OF INFORMATION, CONTRACTS, PERIODIC REPORTS, ETC.)

ORDER REVISING ANNUAL REPORT FORM "O"

In the matter of revision of Annual Report Form O[2] applicable to Class A and Class B wire-telegraph and ocean-cable carriers.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of June 1948;

The Commission having under consideration proposals to revise certain schedules of Annual Report O applicable to Class A and Class B wire-telegraph and ocean-cable carriers; to add a new schedule; and to make various editorial changes therein as set forth in the Appendix attached hereto;

It appearing, that the proposed revisions, addition, and editorial changes do not constitute substantive changes in, and do not in any way affect the requirements of, any of the applicable Commission's rules and regulations; and

It further appearing, that the proposed changes are designed to clarify and simplify present reporting requirements and will represent a relaxation of such reporting requirements; and

It further appearing, that the nature of the proposed changes is such as to render unnecessary the notice and procedure provided for in section 4 of the Administrative Procedure Act;

It is ordered, That effective immediately Annual Report Form O is amended as set forth in the attached Appendix.

Released: June 23, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Revisions of schedules in Annual Report Form O as follows:

1. At page 5, Schedule 3, "General Officers and Executives," in both the first and second lines of Instruction 1, change the amount "$10,000" to read "$15,000."

2. At page 8, Schedule 5, "Security Holders and Voting Rights," change the periods to commas at the end of both the second and third sentences of Instruction 2, and add the words "if known."; and delete the fourth sentence.

3. At page 106, Schedule 101, "Communication Plant and Related Accounts," delete instruction 5; redesignate instruction 6 as instruction 5, delete the words "column (h)" and substitute the words "columns (g) and (h)" in this same instruction; and redesignate instruction 7 as instruction 6.

4. At page 138, Schedule 154, "Other Deferred Charges," change the period to a comma at the end of the first sentence of Instruction 1 and add the following words: "and no entries need be made in column (d), 'Account charged, for such items."; and delete the text of Instruction 2 and substitute the following:

Show in a note only the longest period of amortization applicable to each group of major items and each group of minor items of deferred charges of similar character being amortized.

5. At page 211, Schedule 239, "Other Deferred Credits," change the period to a comma at the end of Instruction 1, and add the following words: "and no entries need be made in column (d) 'Account credited, for such items."; and delete the text of Instruction 2 and substitute the following:

Show in a note only the longest period of amortization applicable to each group of major items and each group of minor items of deferred credits of similar character being amortized.

6. At page 305, Schedule 301, "Operating Revenue," change the account number in column (a) of line 26 from "3250" to "3350."

7. At page 308, Schedule 302, "Analysis of Wire-Telegraph Transmission Revenue," in the second line of the instructions following "Tickers in service" insert the words "at end of year"; delete Instruction 2; in line 5 delete the diagonal line and the word "longram"; in lines 8 and 34 delete the particulars in column (a) and substitute an ordinary line for the heavy line under line 34.

8. At page 313, Schedule 308, "Leased Plant Revenue," delete present instructions and substitute the following:

Give complete details of all rents received or receivable from affiliates. Similar transactions involving others may be grouped in one balancing figure.

9. At page 334, Schedule 333, "Rent Expens[illegible]" delete present instructions and sub[illegible]tute the following:

Give complete details of all rents paid or payable to affiliates. Similar transactions involving others may be grouped in one balancing figure.

10. At page 335, Schedule 334, "Advertising," in line 3, delete the word "and" after "pamphlets," and after the word "inserts" add the following: "window displays, exhibits, posters, and placards"; and in line 4, delete the particulars in column (a).

11. At page 374, Schedule 369, "Interest Costs," make the following changes: (a) redesignate instruction 2 as instruction 3; (b) add a new instruction as follows:

2. Among the reconciling items include specific indications of the nature of any difference between the total of column (e) of Schedule 216 and the sum of lines 1 to 5, inclusive, of this schedule;

(c) substitute a heavy line under line 5; and (d) in line 6 delete the particulars in columns (a) and (b) and the dividing line between the said columns, and substitute the word "Subtotal"

12. Following Schedule 373, add new Schedule 374,[1] "Delayed Income Credits and Charges," as attached.

[2] This form is required to be filed to comply with § 43.21 of Part 43 of the Commission's rules.

13. At page 421, Schedule 401B, "Leased Wire Statistics," delete the last sentence of the first instruction; in the last instruction change the word "Teletypewriter" to "Teleprinter"; and change the caption of columns (c) (f) (i) (l) and (p) to read "Teleprinter."

14. At page 423, Schedule 405, "Land Acquired During the Year and Devoted to Telegraph Operations," in the third line of the last instruction, change "on" to "or" and "Leaseholder" to "Leaseholds."

15. At pages 426 and 428, Schedules 408A and 408B, "Employees and Their Salaries," change the caption over columns (b), (c), and (d) from "June" to "April."

16. At page 431, Schedule 410, "Accidents to Persons During the Year," delete the particulars in column (a) of lines 5 to 10, inclusive, and substitute the following:

(On line 5) "Over 1 day but not over 1 week."

(On line 6) "Over 1 week but not over 4 weeks."

(On line 7) "Over 4 weeks but not over 26 weeks."

[F. R. Doc. 48-6085; Filed, July 7, 1948; 8:57 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 946]

HANDLING OF MILK IN LOUISVILLE, KY., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Supps., 900.1 et seq., 11 F R. 7737; 12 F R. 1159, 4904) notice is hereby given of the filing with the Hearing Clerk of a recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the 10th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, has been formulated, was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of a proposed amendment filed by the Falls Cities Cooperative Milk Producers' Association. The public hearing was held at Louisville, Kentucky, on March 17 to 20, 1948, both dates inclusive, pursuant to a notice issued on March 4, 1948, (13 F R. 1265, 1320)

The material issues presented on the record of the hearing were whether:

1. A definition of "producer-handler" should be adopted;

2. The definition of "other source milk" should be revised to include receipts of "emergency milk" and all skim milk and butterfat contained in milk, skim milk, and cream received from producer-handlers;

3. The provisions with respect to "interhandler and nonhandler transfers" should be amended to provide for:

(i) The classification as Class I of all skim milk and butterfat contained in milk and skim milk transferred or diverted by a handler to a plant, located within 100 miles from Louisville, Kentucky, of a nonhandler who distributes Class I milk or Class II milk, and as Class II all skim milk and butterfat contained in cream so disposed of: *Provided,* That for the delivery periods of March through August such skim milk and butterfat should be classified in the highest-priced class remaining after subtracting from the highest-priced available class the receipts from dairy farms by such plant;

(ii) The classification of skim milk and butterfat contained in milk and skim milk transferred or diverted by a handler to a producer-handler as Class I and skim milk and butterfat contained in cream so disposed of as Class II;

(iii) The classification of skim milk and butterfat in the class in which the market administrator determines such skim milk and butterfat was used if transferred or diverted to a plant, located less than 100 miles from Louisville, Kentucky, of a nonhandler who does not distribute milk or cream in fluid form for consumption as such but who manufactures milk products; and

(iv) The classification as Class I of all skim milk and butterfat transferred or diverted in the form of milk or skim milk by a handler to a plant, located 100 miles or more from Louisville, Kentucky, of another handler or nonhandler who distributes milk or manufactures milk products, and the classification of all skim milk and butterfat so disposed of in the form of cream as Class II,

4. The provisions with respect to the allocation of skim milk and butterfat classified should be amended to eliminate the special treatment afforded to "emergency milk" as compared with "other source milk".

5. The pricing provisions of the order should be revised to provide an additional alternate formula, based upon the open market prices of butter and cheese, for the determination of Class I and Class II prices;

6. The Class I and Class II price differentials should be revised to provide for an increase in the level of such prices and to establish seasonal price differentials; and

7. Other changes should be made for the purpose of clarification and to make the entire marketing agreement and the order, as amended, conform with any amendment thereto resulting from the hearing.

Findings and conclusions. The proposed findings and conclusions with respect to the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) A definition of "producer-handler" should be included in the order provisions, and such term should be defined as "any person who is both a producer and a handler but who receives no milk from other producers (exclusive of producer-handlers) " Certain provisions of the existing order exempt such an individual, specify the classification and pricing of milk received by a handler from such source, and provide for the classification of milk sold by a handler to so-called producer-handlers. In view of this and the changes proposed herein, it is believed that such definition will shorten the language of the order and clarify the position of an individual who is both a producer and a handler. As a conforming change in line with this conclusion, the term "producer-handler" should be substituted for the words "handler whose only sources of milk supply are receipts from his own production or from other handlers" in § 946.6 (a) relating to handlers who are also producers.

(2) The definition of "other source milk" should be revised to include milk, skim milk, and cream received in any form from a producer-handler and from a source other than producers or other handlers, except any nonfluid milk product which is received and disposed of in the same form.

Under the present provisions of the order, "other source milk" is defined as all skim milk and butterfat in any form received from a source other than producers or other handlers, except emergency milk and any nonfluid milk product which is received and disposed of in the same form.

The producers proposed the inclusion of supplies from emergency sources in the definition of "other source milk." It

was also proposed that receipts of milk by a handler from a producer-handler should be treated as a receipt of other source milk.

Other source milk and supplies of milk from emergency sources have been distinguished under present order provisions by distinctions set out under the various health regulations applicable to the milk sold in the marketing area. These distinctions have been at times difficult to apply because of the differences in the rules of the two health authorities and because of differences in the methods of handling milk as between different types of plants operating under the order.

Because of these conditions and because of the administrative difficulty of ascertaining the differences between these two sources of milk the desirability for purposes of order regulation of drawing such a distinction is no longer evident. As a conforming change in line with this conclusion, all references to "emergency milk" should be deleted from the order provisions.

Producers argued that milk received by a handler from a producer-handler should be considered as a receipt of other source milk. Although milk produced by a producer-handler meets all the requirements of regular producer milk, such milk is not available for regular purchases by handlers. Producer-handlers normally dispose of their milk during most of the year in Class I and Class II products. Under these conditions, the pooling of any surplus milk purchased from producer-handlers would result in higher prices to producer-handlers than to regular producers, since producer-handlers' Class I and II milk is not pooled with producer milk. In order to afford the same treatment of receipts of milk, skim milk, and cream from a producer-handler as a receipt of other source milk, it is concluded that such receipts from producer-handlers should be included in the definition of other source milk.

(3) (i) The proposal to revise the transfer provisions with respect to the classification of skim milk and butterfat contained in milk, skim milk, and cream disposed of, either by transfer or diversion, by a handler to a plant, located less than 100 miles from Louisville, Kentucky, which is owned or operated by a person who is not a handler but who distributes Class I milk or Class II milk, should not be adopted.

Under the present order provisions all skim milk and butterfat contained in milk and skim milk disposed of, either by transfer or diversion to a nonhandler who distributes milk is classified as Class I milk and all skim milk and butterfat contained in cream so disposed of is classified as Class II, unless utilization in another class is mutually indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 5th day after the end of the delivery period: *Provided,* That the amount of skim milk and butterfat so classified in such class as a result of such agreement shall not exceed the actual utilization by the receiver in such class.

The producers proposed that such transfers of milk and skim milk should be classified as Class I milk and such transfers of cream should be classified as Class II milk: *Provided,* That if, during the delivery periods of March through August, the buyer maintains books and records showing the utilization of all skim milk and butterfat received at his plant, which are made available to the market administrator, the skim milk and butterfat contained in such transfers or diversions should be classified in the highest-priced classification remaining after subtracting, in series beginning with the highest-priced classification, the receipts of skim milk and butterfat at the transferee plant direct from dairy farms.

If this proposal were to be adopted, it would give to Louisville producer milk a price priority over milk received from other plants. No evidence was introduced as to why this condition should obtain.

(ii) The proposal to classify as Class I milk all skim milk and butterfat transfered or diverted by a handler to a producer-handler in the form of milk or skim milk, and as Class II milk all skim milk and butterfat so transferred in the form of cream, should be adopted. The record indicates that producer-handlers do not maintain facilities for the processing of Class III products. Thus, any milk, skim milk, or cream transferred to such a person would be for fluid purposes and should be so classified.

(iii) The proposal to revise the transfer provisions to provide that all skim milk and butterfat disposed of, either by transfer or diversion, by a handler to a manufacturing plant, located less than 100 miles from Louisville, Kentucky, owned or operated by a nonhandler, be classified in the class in which the market administrator determines such skim milk or butterfat was used, should not be adopted. The evidence does not indicate that these plants characteristically maintain the accounting systems and records which would permit the market administrator to satisfy his responsibility under such a proposal.

(iv) The proposal to revise the transfer provisions to provide that all skim milk and butterfat transferred or diverted in the form of milk or skim milk to a plant located 100 miles or more from the City Hall at Louisville, Kentucky, be classified as Class I milk, should be adopted; but the proposal to revise such provisions to provide that all skim milk and butterfat so disposed of in the form of cream to such a plant be classified as Class II milk, should not be adopted.

The record indicates that the quantities of milk or skim milk sold to plants beyond the proposed 100 mile zone, during 1947, were not substantial, and that outlets were available for such milk and skim milk nearby Louisville. In view of the fact that it is impracticable to make provision for an audit when relatively small volumes of milk are moved this distance, it is concluded that such milk and skim milk should be classified as Class I milk.

The record indicates that substantial quantities of cream were sold to plants beyond the proposed 100 mile zone during 1947; that such sales were made during all months of the year of 1947; and that some of this cream moved to plants located more than 400 miles from Louisville, Kentucky. Furthermore, it was shown that there was an excess of butterfat over the Class I milk and Class II milk requirements during most of the year of 1947. It was not shown that adequate outlets were available for such quantities of cream within the proposed 100 mile zone.

4. The allocation provision should be revised to eliminate the prorating of the receipts of emergency milk, between Class I and Class II milk, which are in excess of the total Class III milk less allowable shrinkage of producer milk and 5 percent of the total receipts of milk from producers.

The recommended definition of other source milk includes milk, skim milk, and cream which is received under an emergency permit issued by the appropriate health authorities in the marketing area. The record indicates that such permits are issued only when sufficient quantities of graded milk to supply the area are not being produced locally. Emergency permits were issued for the months of October 1947 through February 1948. During this period, some handlers obtained emergency supplies locally while others purchased such supplies from Chicago, Illinois. The record indicates that handlers are permitted to advance the date on the cap of bottled milk, and to use milk can and vats as a means of storing weekend surpluses of producer milk. As a result, there have been no surpluses of producer milk available for transfer on weekends.

The proposed amendment to the allocation provision provides for the elimination of the receipts of other source milk from the total skim milk and butterfat classified by subtracting from the total pounds of skim milk and butterfat, respectively. In each class, in series beginning with the lowest-priced available classification (exclusive of allowable shrinkage of producer milk) the total pounds of skim milk and butterfat, respectively, received in other source milk. This procedure will be instrumental in encouraging a larger volume of producer milk by guaranteeing producers the classification of their milk in the highest-priced available class.

5. The procedure for determining the basic formula price per hundredweight of milk used in computing the price of Class I milk and Class II milk should be revised to provide for the inclusion of an additional alternate formula based upon the open market price of butter and cheese. Production and marketing of milk for each type of manufacturing outlet are subject to many of the same economic factors. Farmers producing milk for manufacturing purposes can and do shift from one outlet to another as price relationships change. Because milk may be diverted readily from one milk product to another, the highest value for milk in any manufactured use represents the price in relation to which the Louisville Class I and Class II prices must be fixed. This price represents the value of milk for manufacturing uses to which differentials are added to make up the Class I and Class II prices. These differentials are so set that when added to the high-

est value of milk for any manufacturing use the resulting price will provide a proper return to dairy farmers for assuming the added effort and expense required in producing graded milk for the Louisville market. Cheese is an important market for milk and any resulting increase in the price of milk for cheese production should be reflected in the price of milk to Louisville producers.

The proposal to add 15 cents to the butter-cheese formula should not be adopted. Producers contend that had the butter-cheese formula been included as an alternate during the 17 months preceding March 1948 it would not have increased the basic price during any of those months. They therefore propose the addition of 15 cents to such formula which would have had the result of increasing the basic price during the months of June, July, August, September, and November 1947. The addition of 15 cents would be inconsistent with the reasoning set forth above in support of the butter-cheese formula on the theory of competitive pricing and is therefore denied.

6. The Class I and Class II price differentials should be revised to price producer milk more competitively with prices received by producers in surrounding markets.

Under the present pricing provisions of the order the prices for Class I milk and Class II milk are determined by adding $1.05 and $0.50 per hundredweight, respectively, to the basic formula price. The basic formula price is composed of the higher of the Class III price plus 15 cents, or the "paying" prices of 18 manufacturing plants located in Wisconsin and Michigan. The Class III price is the higher of the "paying" prices of 7 local manufacturing plants, or a formula price based upon the open market prices of butter and nonfat dry milk solids, by roller process. The proposed amendments herein recommend the addition of a butter-cheese formula as an alternate in the basic formula.

The producers proposed a Class I price differential over the basic formula, of $1.05 per hundredweight for the delivery periods of April, May, and June, and $1.30 per hundredweight for the delivery periods of July through March; and a Class II price differential of $0.60 per hundredweight for the delivery periods of April, May, and June, and $0.85 per hundredweight for the delivery periods of July through March.

The record shows conditions which threaten to impair the milk supply of the Louisville market. The most important factor entering into this situation is the especially active competition for producers from other nearby markets. Since October 1947 the Louisville market has experienced a shifting of producers in substantial numbers. Some of these producers were lost to cheese plants in the milkshed which are attracting Louisville producers by paying the Louisville blend price. Local fluid milk markets within and adjacent to the milkshed were also shown to be attracting Louisville producers by paying prices in excess of the Louisville blend price.

In order to discourage further shifting of producers away from the Louisville market which is threatened with a serious shortage of supply, it is concluded that the Louisville price should be brought more in line competitively with prices paid dairy farmers for milk in surrounding markets. This should be accomplished by increasing the Class I and Class II price differentials.

For the past 5 years the level of production of regular producer milk has been insufficient to meet the needs of Class I milk and Class II milk in the Louisville market during the short season. It has been necessary for handlers to supplement their supplies of producer milk in Class I and Class II with substantial quantities from emergency sources for most of the months of the year, except April through August when supplies of producer milk are normally in excess of Class I and Class II needs in the market.

Since substantial shortages are generally experienced only during the months of September through March, any upward adjustment in price should be confined to these months in order to give more emphasis to seasonal prices paid to producers and thereby to encourage a shift to a more even production throughout the year. It is concluded that the Class I and Class II price differentials should be increased 20 cents per hundredweight during the delivery periods of September through March.

7. Other changes should be made for the purpose of clarification and to make the tentative marketing agreement and the order, as amended, conform to the revisions proposed herein.

(i) The present provision of the order, as amended, § 946.3 (b) (3) (iii) (b) should be clarified with respect to the prorating of shrinkage when producer milk is transferred; under supporting transfer records, satisfactory to the market administrator, by a handler from a plant which is included in the pool to any other plant of such handler.

(ii) Paragraph (b) of § 946.6 of the order, as amended, provides that if a handler receives milk, skim milk, or cream from a producer-handler and disposes of such milk, skim milk, or cream other than as Class III milk, the market administrator shall charge such handler the difference between the value of such milk, skim milk, and cream at the Class III price and the value according to its usage. In conformity with the conclusions reached with respect to the inclusion of receipts of milk, skim milk, and cream from a producer-handler as a receipt of other source milk, it is concluded that paragraph (b) of § 946.6 should be deleted.

(iii) The provision relating to a handler's pro rata share of the expense of administration provides that each handler shall pay administrative assessments on emergency milk received at a plant included in the pool. The producers proposed, in conformity with the inclusion of emergency milk in the definition of other source milk, that each handler should pay the administrative assessment on other source milk received at a plant which is included in the pool. In view of the fact that the market administrator must audit all receipts of other source milk at such plants, it is concluded that such proposal should be adopted in order to prorate the administrative assessment more equitably between handlers.

General findings. (a) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which hearings have been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Falls Cities Cooperative Milk Producers' Association and various handlers who would be subject to the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended. The briefs contained suggested findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Proposed amendment to the tentative marketing agreement and to the order, as amended. The following proposed amendment to the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included in this recommended decision because the regulatory provisions thereof would be the same as those contained in the proposed amendment to the order, as amended.

1. Delete § 946.1 (i) and substitute therefor the following:

(i) "Producer-handler" means any person who is both a producer and a handler but who receives no milk from other producers (exclusive of producer-handlers)

2. Amend § 946.1 (j) to read as follows:

(j) "Other source milk" means all skim milk and butterfat received in any form from a producer-handler and from a source other than producers or other handlers, except any nonfluid milk product which is received and disposed of in the same form.

3. Delete § 946.3 (a) (3) and renumber subparagraph (4) as subparagraph (3)

4. Delete in § 946.3 (b) (3) (iii) the words "emergency milk and"

5. Delete in § 946.3 (b) (3) (iii) (*a*) the words "emergency milk or"

6. Amend § 946.3 (b) (3) (iii) (*b*) to read as follows: "If milk from producers is transferred as milk, skim milk, or cream by a handler from a plant described under subparagraphs (1) or (2) of § 946.1 (e) of such handler to any other plant of such handler, under supporting transfer records satisfactory to the market administrator, the shrinkage of skim milk and butterfat, respectively, on the aforesaid transferred portion shall be computed on a pro rata basis with the skim milk and butterfat, respectively, contained in all milk, skim milk, and cream received in the latter plant and added to the shrinkage of producers' milk handled in the handler's fluid milk plant."

7. Delete § 946.3 (c) (1) and substitute therefor the following:

(1) All skim milk and butterfat disposed of by a handler, either by transfer or diversion, to another handler or to a person who is not a handler but who distributes milk or manufactures milk products, shall be classified as follows:

(i) As Class I milk if transferred or diverted to a producer-handler in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream;

(ii) As Class I milk if transferred or diverted in the form of milk or skim milk to another handler (except a producer-handler) or to a person who is not a handler but who distributes milk or manufactures milk products, and as Class II milk if so disposed of in the form of cream, unless utilization in another class is mutually indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 5th day after the end of the delivery period: *Provided,* That if upon inspection of the records of such receiver it is found that an equivalent amount of skim milk and butterfat, respectively, was not actually used in such indicated use the remaining pounds shall be classified as Class I milk if transferred or diverted in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream: *Provided further,* That the classification of any such transfer or diversion of skim milk and butterfat between handlers shall be subject to allocation for each handler in the sequence set forth in paragraph (e) of this section: *And provided further,* That all skim milk and butterfat contained in milk and skim milk so disposed of to a plant located 100 miles or more from the City Hall at Louisville, Kentucky, by the shortest highway distance as determined by the market administrator, shall be Class I milk.

8. Delete § 946.3 (d) (1) (iii) and renumber subdivision (iv) as subdivision (iii)

9. Delete in § 946.3 (d) (9) (ii) (*a*) the words "emergency milk and"

10. Delete § 946.3 (e) and substitute therefor the following:

(e) *Allocation of skim milk and butterfat classified.* (1) The pounds of skim milk remaining in each class, for each handler, after making the following computations shall be the pounds of skim milk in such class allocated to milk received from producers:

(i) Subtract the allowable shrinkage of skim milk in milk received from producers from the total pounds of skim milk in Class III;

(ii) Subtract the pounds of other source skim milk from the pounds of skim milk in the lowest-priced class: *Provided,* That if the pounds of skim milk to be subtracted is greater than the pounds of skim milk in such class, the balance shal be subtracted from the pounds of skim milk remaining in the next higher-priced class;

(iii) Subtract the pounds of skim milk contained in milk, skim milk, and cream received from other handlers from the pounds of skim milk in the class to which it was assigned: *Provided,* That if the pounds of skim milk to be subtracted is greater than the pounds of skim milk in such class, the balance shall be subtracted from the pounds of skim milk in the next higher-priced class; and

(iv) Add the allowable shrinkage of skim milk in milk received from producers to the pounds of skim milk in Class III; but if the pounds of skim milk remaining in all classes exceeds the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the lowest-priced class: *Provided,* That if the pounds of skim milk to be subtracted is greater than the pounds of skim milk remaining in the lowest-priced class, the balance shall be subtracted from the pounds of skim milk remaining in the next higher-priced class.

(2) Determine the pounds of butterfat to be allocated to milk received from producers in a manner similar to that prescribed in subparagraph (1) of this paragraph for skim milk, except that the reference paragraph (d) (9) (ii) (*a*) shall be substituted for the designated reference paragraph (d) (7) (iii) (*a*) set forth in subparagraph (1) (i) of this paragraph.

11. Delete § 946.4 (a) and substitute therefor the following:

(a) *Basic formula prices for Class I milk and Class II milk.* The basic formula price per hundredweight of milk to be used in computing the prices for Class I milk and Class II milk, set forth in subparagraphs (1) and (2) of paragraph (b) of this section, shall be the price for Class III milk plus 15 cents, or that resulting from the formula set forth in subparagraphs (1) or (2) of this paragraph, whichever is the higher:

(1) (i) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period;

(ii) Add an amount equal to 2.4 times the arithmetic average of the weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided,* That if the price of "Twins" is not quoted on such Exchange, the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 3.8.

(2) To the average of the basic (or field) prices reported to have been paid or to be paid for milk of 3.5 percent butterfat content, without deductions for hauling or other charges to be paid by the farm shipper, received from farmers during the delivery period at the following plants or places for which prices are reported to the market administrator or to the Department of Agriculture by the companies listed below:

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add and amount computed as follows: Multiply the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture for the delivery period, by 0.12 and then by 3.

12. Delete § 946.4 (b) (1) and substitute therefor the following:

(1) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amounts per hundredweight: $1.05 for the delivery periods of April through August; and $1.25 for the delivery periods of September through March.

13. Delete § 946.4 (b) (2) and substitute therefor the following:

(2) *Class II milk.* The price for Class II milk shall be the basic formula price plus the following amounts per hundredweight: $0.50 for the delivery periods of April through August; and $0.70 for the delivery periods of September through March.

14. Delete in § 946.5 (a) (1) the words "receipts of emergency milk."

15. Delete § 946.5 (a) (2)

16. Delete § 946.5 (a) (3).

17. Delete § 946.6 (a) and substitute therefor the following:

(a) *Producer-handlers.* No provision hereof shall apply to a producer-handler, except that such producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

18. Delete § 946.6 (b)

19. Delete in paragraph (c) of § 946.6 the words "receipts of emergency milk," and renumber such paragraph as paragraph (b)

20. Delete in § 946.7 (a) the words "paragraphs (b) and (c)" and substitute therefor "paragraph (b)"

21. Delete in § 946.7 (a) the words "emergency milk or"

22. Delete in § 946.10 the words "emergency milk" and substitute therefor "other source milk".

Filed at Washington, D. C., this 30th day of June 1948.

JOHN I. THOMPSON,
Assistant Administrator

[F. R. Doc. 48-6016; Filed, July 7, 1948; 9:46 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of Industry Cooperation

STEEL PRODUCTS FOR UNITED STATES ATOMIC ENERGY COMMISSION PROJECTS

VOLUNTARY PLAN FOR ALLOCATION

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919 (after consultation with representatives of the steel producing industry and with officials of the United States Atomic Energy Commission, and after expression of the views of industry, labor and the public generally at an open public hearing held on June 4, 1948) has determined that the following plan of voluntary action is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395:

1. Each steel producer participating herein will, during the period beginning July 1, 1948, and ending February 28, 1949, make steel products available or will cause steel products to be made available, of the types shown in Schedule A hereto annexed and (on an average monthly basis) in the quantities set forth therein opposite the name of such steel producer, for United States Atomic Energy Commission Projects, out of the production of its own mill or the mills of a subsidiary or of an affiliate of such steel producer. Such steel products will be made available to prime contractors for the Commission or to their sub-contractors, or to steel fabricators supplying or under contract to supply steel products to such prime contractors or their sub-contractors. Each such steel producer will, however, give consideration to making available such additional amounts as may be requested of it by the Secretary of Commerce. Such steel products will be so made available under such contractual arrangements as may be made by such contractor, sub-contractor or fabricator with such steel producer or its subsidiary or affiliate, and no request or authorization will be made by the Department of Commerce relating to allocation of orders or customers or to the delivery of steel products or the allocation of business among such prime contractors, sub-contractors or fabricators, nor will any request or authorization be made to such steel producers for any limitation or restriction on the production or marketing of any such steel products. In each case the purchase order shall express the undertaking of the purchaser that the steel products ordered will be utilized only for fulfillment of contracts for construction work of the Commission at a Project or Projects to be specified on such purchase order.

2. Each such steel producer will, if requested by the Office of Industry Cooperation of the Department of Commerce (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942) report to it the total quantities of each such steel product shipped by it monthly, pursuant to such purchase orders.

3. Each steel producer participating herein will make available or cause to be made available only those steel products which are within the type and size limitations of the mill or mills which it may select for the production of such products, and the quantities of steel products which it will make available or cause to be made available in any month may be reduced, or at its option the delivery thereof may be postponed in direct proportion to any production losses which it or such subsidiary or affiliate shall sustain during such month due to causes beyond its or their control.

4. Nothing herein contained shall be construed as authorizing or approving any fixing of prices, and the participation herein of any steel producer shall not affect the prices or terms and conditions on which any such steel products as are made available are actually sold and delivered.

5. Any such steel producer may withdraw from this plan by giving not less than sixty days' written notice of its intention so to do to the Secretary of Commerce.

6. After approval hereof by the Attorney General and by the Secretary of Commerce, and after requests for compliance herewith shall have been made of steel producers by the Secretary of Commerce, any such steel producer may become a participant herein by advising the Secretary of Commerce, in writing, of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, only with respect to such steel producers as notify the Secretary of Commerce in writing that they will comply with such requests.

7. This plan shall cease to be effective at the close of business on February 28, 1949, or on such earlier date as may be determined by the Secretary of Commerce, upon written notice to each steel producer participating herein and to the United States Atomic Energy Commission, not less than sixty days prior to such earlier date.

Approved: June 22, 1948.

CHARLES SAWYER,
Secretary of Commerce.

Approved: June 21, 1948.

TOM C. CLARK,
Attorney General.

JUNE 25, 1948.

DEAR SIRS:

A Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for United States Atomic Energy Projects, has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the Plan is enclosed.

By virtue of the terms of Public Law 395 and Executive Order 9919 I hereby request compliance by you with the Plan.

Similar requests are being directed to all other proposed participants in the Plan.

This request will not be effective for the purpose of granting immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, 80th Congress, unless you promptly agree in writing to comply with the Plan.

For your convenience, I am enclosing a suggested form for your use in agreeing to comply with the Plan.

I trust that your favorable response to this request will be promptly communicated to me.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

NOTE: The above request for compliance with Office of Industry Cooperation Voluntary Plan for Allocation of Steel Products for United States Atomic Energy Commission was sent to steel companies listed on an attachment filed with the original document.

[F. R. Doc. 48-6066; Filed, July 7, 1948; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 484]

CAPITAL AIRLINES, INC., TEMPORARY MAIL RATE PROCEEDING

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft,

the facilities used and useful therefor, and the services connected therewith, of Capital Airlines, Inc., over its entire system, and the Board's Order to Show Cause, Serial No. E–1660, dated June 10, 1948.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on July 8, 1948, at 10:00 a. m. (eastern daylight saving time) in Wing C, Room 131, Temporary Building No. 5, 16th and Constitution Avenue, N. W., Washington, D. C., before Examiner Ralph L. Wiser.

Dated at Washington, D. C., July 1, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48–6094; Filed, July 7, 1948; 8:59 a. m.]

[Docket No. 1498, et al.]

WIEN ALASKA AIRLINES, INC., ET AL., ARCTIC SLOPE AND SEWARD PENINSULA MAIL SERVICE

NOTICE OF ORAL ARGUMENT

In the matter of the application of Wien Alaska Airlines, Inc., and other applicants for certificates of public convenience and necessity, and the certification of the Postmaster General, with respect to the transportation of mail by aircraft within Alaska.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above entitled matter is assigned to be held on July 26, 1948, at 10:00 a. m. (eastern daylight saving time), in Room 5042, Commerce Building, 14th Street and Constitution Avenue, Washington, D. C., before the Board.

Dated at Washington, D. C., June 29, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48–6095; Filed, July 7, 1948; 8:59 a. m.]

[Docket No. 2021]

ALASKA AIRLINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, over its entire system.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on July 9, 1948, at 2:00 p. m. (eastern daylight saving time), in Room 131, Wing C, Temporary Building No. 5, south of Constitution Avenue between 16th and 17th Streets NW., Washington, D. C., before Examiner Lawrence J. Kosters.

Dated at Washington, D. C., July 1, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48–6093; Filed, July 7, 1948; 8:58 a. m.]

[Docket No. 3303]

NORTHERN CONSOLIDATED AIRLINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith of Northern Consolidated Airlines, Inc. over its Fairbanks-Bethel route and the Order to Show Cause published by the Board in Order Serial Number E–1717.

Notice is hereby given that a hearing in the above matter is assigned to be held on July 9, 1948, at 10:00 a. m. (eastern daylight saving time) in Room 131, Wing C, Temporary Building No. 5, 16th Street and Constitution Avenue, NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., July 1, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48–6092; Filed, July 7, 1948; 8:58 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6356, 8807]

HUGH FRANCIS MCKEE AND BENSON POLYTECHNIC SCHOOL (KBPS)

ORDER CONTINUING HEARING

In re applications of Hugh Francis McKee, Portland, Oregon, Docket No. 6356, File No. BP–3225, for construction permit; Benson Polytechnic School (KBPS), Portland, Oregon, Docket No. 8807, File No. BML–1280, for modification of license.

Whereas, the above-entitled applications are scheduled to be heard in a consolidated proceeding on June 29 and 30, 1948, at Portland, Oregon; and

Whereas, the public interest, convenience, and necessity would be served by a continuance of the said proceeding;

It is ordered, This 22d day of June 1948, that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Wednesday, September 1, and Thursday, September 2, 1948, at Portland, Oregon.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48–6073; Filed, July 7, 1948; 8:51 a. m.]

[Docket Nos. 6333, 8334]

CRESCENT BROADCAST CORP. AND RADIO ANTHRACITE, INC. (WHWL)

ORDER CONTINUING HEARING

In re applications of Crescent Broadcast Corporation, Shenandoah, Pennsylvania, Docket No. 6883, File No. BP–4092; Radio Anthracite, Inc. (WHWL) Nanticoke, Pennsylvania, Docket No. 8934, File No. BP–6616; for construction permits.

Whereas, the above-entitled applications are presently scheduled to be heard on June 25, 1948, at Washington, D. C., and

Whereas, there is pending before the Commission a petition for reconsideration filed November 10, 1947, by the Crescent Broadcast Corporation, Shenandoah, Pennsylvania;

It is ordered, This 18th day of June 1948, that the hearing on the above-entitled applications be, and it is hereby, continued indefinitely pending action on the said petition for reconsideration.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48–6076; Filed, July 7, 1948; 8:52 a. m.]

[Docket Nos. 7490, 8867–2269, 8341]

KSAL, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of KSAL, Inc. (KSAL), Salina, Kansas, Docket No. 7490, File No. BP–4364; KFJI Broadcasters (KFJI) Klamath Falls, Oregon, Docket No. 8867, File No. BP–4573; Gila Broadcasting Company, Coolidge, Arizona, Docket No. 8868, File No. BP–4677; Mosby's, Incorporated, Great Falls, Montana, Docket No. 8869, File No. BP–5481, for construction permits; Radio Broadcasters, Inc., (KRKD) Los Angeles, California, Docket No. 8341, File No. BML–1242; for modification of license.

The Commission having under consideration a petition filed June 11, 1948, by KFJI Broadcasters (KFJI) Klamath Falls, Oregon, requesting a 20-day continuance from June 21, 1948, of the consolidated hearing now scheduled on the above-entitled applications for construction permits;

It is ordered, This 18th day of June 1948, that the petition be, and it is hereby, granted; and that the said hearing on the above-entiled applications be, and it is hereby, continued to 10:00 a. m., Friday July 9, 1948, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48–6063; Filed, July 7, 1948; 8:51 a. m.]

[Docket Nos. 7655, 8383]

JAMES A. NOE (KNOE) AND MODEL CITY BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re applications of James A. Noe (KNOE) Monroe, Louisiana, Docket No.

7655, File No. BMP-1839; for modification of C. P., Model City Broadcasting Company, Inc., Anniston, Alabama, Docket No. 8388, File No. BP-5250; for construction permit.

Whereas, the above-entitled applications of James A. Noe (KNOE) Monroe, Louisiana, and Model City Broadcasting Company, Anniston, Alabama, are scheduled to be heard on June 28, 1948, at Washington, D. C., and

Whereas, there is pending before the Commission a petition filed May 4, 1948, by Model City Broadcasting Company for reconsideration and grant without hearing of its application;

It is ordered, This 18th day of June 1948, that the said hearing on the above-entitled applications be, and it is hereby, continued indefinitely on the Commission's own motion, pending action by the Commission on the said petition of Model City Broadcasting Company, Inc., for reconsideration and grant.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-6075; Filed, July 7, 1948; 8:51 a. m.]

[Docket No. 8161]

FREQUENCY BROADCASTING SYSTEM, INC.

ORDER CONTINUING HEARING

In re application of Frequency Broadcasting System, Inc., Shreveport, Louisiana, Docket No. 8161, File No. BP-5277; for construction permit.

The Commission having under consideration a petition filed June 17, 1948, by Frequency Broadcasting System, Inc., Shreveport, Louisiana, requesting an indefinite continuance of the hearing on its above-entitled application for construction permit now scheduled for June 25, 1948, at Washington, D. C.,

It appearing, that petitioner's application is scheduled to be heard by itself; and

It further appearing, that counsel for petitioner has stated that he proposes to file a petition for reconsideration and grant which may obviate the necessity for a hearing;

It is ordered, This 22d day of June 1948, that the petition be, and it is hereby, granted; and that the said hearing be, and it is hereby, continued indefinitely pending the filing of a petition for reconsideration and grant by petitioner, and a determination thereof.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F R. Doc. 48-6074; Filed, July 7, 1948; 8:51 a. m.]

[Docket Nos. 8285, 8627]

NORTH JERSEY BROADCASTING CO., INC. (WPAT) AND MONOCACY BROADCASTING CO. (WFMD)

ORDER CONTINUING HEARING

In re applications of North Jersey Broadcasting Company, Inc. (WPAT) Paterson, New Jersey, Docket No. 8285, File No. BP-4613; The Monocacy Broadcasting Company (WFMD) Frederick, Maryland, Docket No. 8627, File No. BP-5128; for construction permits.

The Commission having under consideration a joint petition filed June 16, 1948, by North Jersey Broadcasting Company, Inc. (WPAT) Paterson, New Jersey, and The Monocacy Broadcasting Company (WFMD) Frederick, Maryland, requesting a continuance of the hearing now scheduled for June 24, 1948, on their above-entitled applications for construction permits;

It appearing, that there is pending before the Commission a petition for reconsideration and grant without hearing filed February 20, 1948, by North Jersey Broadcasting Company;

It is ordered, This 18th day of June 1948, that the said hearing on the above-entitled applications be, and it is hereby, continued indefinitely on the Commission's own motion, pending action by the Commission on the said petition of North Jersey Broadcasting Company (WPAT) for reconsideration and grant.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-6077; Filed, July 7, 1948; 8:52 a. m.]

[Docket No. 8336]

BREMER BROADCASTING CORP. (WAAT)

ORDER CONTINUING HEARING

In re application of Bremer Broadcasting Corporation (WAAT) Newark, New Jersey, Docket No. 8336, File No. BP-4691, for construction permit.

The Commission having under consideration a petition filed June 12, 1948, by Bremer Broadcasting Corporation (WAAT) Newark, New Jersey, requesting a postponement of the oral argument scheduled for June 21, 1948, on its above-entitled application;

It is ordered, This 18th day of June 1948, that the petition be, and it is hereby, granted; and that the oral argument on the above-entitled application be, and it is hereby, continued to Tuesday, July 13, 1948, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-6072; Filed, July 7, 1948; 8:51 a. m.]

[Docket No. 8342]

PEKIN BROADCASTING CO., INC. (WSIV)

ORDER CONTINUING HEARING

In re application of Pekin Broadcasting Company, Inc. (WSIV) Pekin, Illinois, Docket No. 8342, File No. BMP-2561, for modification of construction permit.

The Commission having under consideration a petition filed June 17, 1948, by Pekin Broadcasting Company, Inc. (WSIV) Pekin, Illinois, requesting an indefinite continuance of the hearing now scheduled for June 25, 1948, at Washington, D. C., on its above-entitled application;

It appearing, that there is pending before the Commission a petition filed February 10, 1948, by the above-entitled applicant requesting reconsideration and grant of the said application;

It is ordered, This 18th day of June 1948, that the petition be, and it is hereby, granted; and that the said hearing on the above-entitled application be, and it is hereby, continued indefinitely pending action on the said petition for reconsideration and grant.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-6071; Filed, July 7, 1948; 8:51 a. m.]

[Docket No. 8349]

MCCLATCHY BROADCASTING CO. (KERN)

ORDER CONTINUING HEARING

In re application of McClatchy Broadcasting Company (KERN), Bakersfield, California, Docket No. 8349, File No. BP-5974; for construction permit.

The Commission having under consideration a petition filed June 9, 1948, by McClatchy Broadcasting Company (KERN) Bakersfield, California, requesting a 30-day continuance from June 21, 1948, of the hearing on its above-entitled application;

It is ordered, This 18th day of June 1948, that the petition be, and it is hereby, granted; and that the said hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Friday, July 23, 1948, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-6070; Filed, July 7, 1948; 8:51 a. m.]

[Docket No. 8924]

CLASS B FM BROADCAST STATIONS

ORDER AMENDING REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of June 1948:

The Commission having under consideration a proposal to amend its Revised Tentative Allocation Plan for Class B FM Broadcast Stations by deleting Channel No. 227 from Hazelton, Pennsylvania, and substituting Channel No. 250 therefor; and

It appearing, that a notice of proposed rule-making setting forth the above amendment was issued by the Commission on April 29, 1948 and was duly published in the FEDERAL REGISTER (13 F R. 2449) which notice provided that inter-

ested parties might file statements or briefs with respect to the said amendment on or before June 1, 1948; and

It further appearing, that the only comments received with respect to the said amendment were favorable thereto; and

It further appearing, that the adoption of said amendment would decrease the amount of interference which may be caused by a class B FM station operating at Hazelton, Pennsylvania;

It is ordered, That, effective July 26, 1948, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended so that in the allocation to Hazelton, Pennsylvania, Channel No. 227 is deleted and Channel No. 250 is substituted therefore.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-6079; Filed, July 7, 1948; 8:52 a. m.]

[Docket No. 8985]

CLASS B FM BROADCAST STATIONS

ORDER AMENDING REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 16th day of June 1948;

The Commission having under consideration a proposal to amend its Revised Tentative Allocation Plan for Class B FM Broadcast Stations by deleting Channel No. 274 from Sumter, South Carolina, and adding Channel No. 274 to Florence, South Carolina; and

It appearing, that notice of proposed rule-making setting forth the above amendment was issued by the Commission on May 14, 1948, and was duly published in the FEDERAL REGISTER (13 F. R. 2717) which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before June 2, 1948; and

It further appearing, that no comments or briefs with respect t the said amendment have been received; and

It further appearing, that the adoption of the said amendment would make possible a more equitable and efficient utilization of FM frequencies in the vicinity of Sumter and Florence, South Carolina.

It is ordered, That, effective July 26, 1948, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended so that the allocation of Channel No. 274 to Sumter, South Carolina, is deleted therefrom and so that the allocation of Channel No. 274 to Florence, South Carolina, is included therein.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-6080; Filed, July 7, 1948; 8:52 a. m.]

[Docket No. 8989]

SEISMOGRAPH SERVICE CORP. AND FROST GEOPHYSICAL CORP.

ORDER SCHEDULING HEARING

In the matter of applications from Seismograph Service Corporation and Frost Geophysical Corporation for construction permits for Experimental Class 2 stations to be used for radiolocation purposes in connection with geological exploration for oil deposits in the Gulf of Mexico, Tulsa, Oklahoma, Docket No. 8989.

Whereas, the above-entitled applications were designated for hearing, on May 12, 1948, in a consolidated proceeding at a time and place subsequently to be scheduled by the Commission;

It is ordered, This 18th day of June 1948, that the hearing on the above-entitled applications be, and it is hereby, scheduled for 10:00 a. m., Monday, July 19, 1948, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-6078; Filed, July 7, 1948; 8:52 a. m.]

[Docket Nos. 9028-9032]

FISHER'S BLEND STATIONS, INC., ET AL

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Fisher's Blend Stations, Inc., Seattle, Washington, Docket No. 9028, File No. BPCT-407; Toten Broadcasters, Inc., Seattle, Washington, Docket No. 9029, File No. BPCT-443; Queen City Broadcasting Company, Seattle, Washington, Docket No. 9030, File No. BPCT-453; King Broadcasting Company, Seattle, Washington, Docket No. 9031, File No. BPCT-490; Twentieth Century-Fox of Washington, Inc., Seattle, Washington, Docket No. 9032, File No. BPCT-492; for construction permits for television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of June 1948;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a television station to operate unlimited time on a channel allocated to the Seattle metropolitan district under § 3.606 of the Commission's rules and regulations; and

It appearing, that on June 2, 1948, the Commission granted the application of the Fisher's Blend Stations, Inc., File No. BPCT-407;

It further appearing, that on June 2, 1948, there were four applications pending for television channels allocated to the Seattle metropolitan district, namely, Fisher's Blend Stations, Inc., File No. BPCT-407, Toten Broadcasters, Inc. BPCT-443, Queen City Broadcasting Company, File No. BPCT-453, and King Broadcasting Company, File No. BPCT-490, each applicant requesting unlimited time operation;

It further appearing, that as of June 2, 1948, there were three unassigned channels available under § 3.606 of the Commission's rules and regulations to the Seattle metropolitan district, and that for this reason the four applications pending for Seattle, Washington, were mutually exclusive;

Accordingly, it is ordered, That the Commission's grant of the application of the Fisher's Blend Stations, Inc., File No. BPCT-407 be, and it is hereby, rescinded and set aside:

It is further ordered, That the application of the Fisher's Blend Stations, Inc., and the remaining four above-entitled applications for stations at Seattle, Washington, be, and they are hereby designated for hearing in a consolidated proceeding at a time and place to be designated by the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to operate and construct the proposed station.
2. To obtain full information with respect to the nature and character of the proposed program service.
3. To determine the areas and populations which may be expected to receive service from the proposed station.
4. To determine whether the operation of the proposed station would involve objectionable interference with any other existing television broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other television broadcast service to such areas and populations.
5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for television broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other television broadcast service to such areas and populations.
6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules governing television broadcast stations, and its Standards of Good Engineering Practice Concerning Television Broadcast Stations.
7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-6032; Filed, July 7, 1948; 8:52 a. m.]

[Docket No. 9065]

NATIONAL BROADCASTING CO., INC. (WNBT)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of National Broadcasting Company, Inc. (WNBT) New

York, N. Y., Docket No. 9065, File No. BPCT-455; for construction permit for television station.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of June 1948;

The Commission having under consideration the above-entitled application of the National Broadcasting Company, Inc. (File No. BPCT-455) to increase the effective radiated power of the visual transmitter of television broadcast station WNBT from 7.0 kw to 15.2 kw, to increase the aural power of said station from 5.75 kw to 7.61 kw, and to change the types of transmitters;

It is ordered, That pursuant to section 309 (2) of the Communications Act of 1934, as amended, the above-entitled application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the character of the additional areas and populations that may be expected to receive broadcast service from Station WNBT when operating as proposed.

2. To determine whether the operation of the proposed station would involve objectionable interference with any other existing television broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other television broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for television broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other television broadcast service to such areas and populations.

4. To determine whether station WNBT operating as proposed would cause interference with any of the stations provided for in § 3.606 of the Commission's rules and regulations governing television broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether WNBT operating as proposed would be in compliance with the Commission's rules Governing Television Broadcast Stations, and its Standards of Good Engineering Practice Concerning Television Broadcast Stations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F R. Doc. 48-6081; Filed, July 7, 1948; 8:52 a. m.]

[Designation Order 23]

DESIGNATION OF MOTIONS COMMISSIONER

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of June 1948;

It is ordered, Pursuant to § 1.111 of the Commission's rules and regulations, that George E. Sterling, Commissioner, be, and he is hereby designated as Motions Commissioner for the month of July 1948..

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-6083; Filed, July 7, 1948; 8:53 a. m.]

HARMONIC AND SPURIOUS EMISSIONS FROM ALL TYPES OF RADIO TRANSMITTERS ON 10 KC TO 30,000 MC

CONFERENCE WITH INDUSTRY

JUNE 23, 1948.

The Commission announced today that an informal engineering conference of all interested persons will be held at the Commission's offices, Washington, D. C., at 10 a. m. August 10, 1948, for the purpose of obtaining data and information on the subject of harmonic and spurious emissions from all types of radio transmitting apparatus operating on frequencies from 10 kc to 30,000 mc.

The Commission's Bureau of Engineering is attempting to develop a table of harmonic and spurious limitations which could be used as a basis for regulation throughout the radio spectrum. It has been the experience of the Bureau of Engineering that in many cases a greater degree of suppression is necessary than is found in present day practice. It appears desirable, therefore, to obtain additional experimental information as to how much suppression could be realistically obtained according to the state of the art. It is recognized that it will be necessary to consider the economics involved when costs might be considered excessive in view of the over-all benefits obtainable. It should be pointed out, however, that an important measure of the conservation of the radio spectrum is the degree of freedom from spurious and harmonic emissions. Many radio services are being accomplished with field strengths on the order of one-half microvolt per meter.

All persons able to contribute and benefit by this meeting are invited to attend. All information made available will be examined. Methods of measurement of spurious and harmonic emissions will be considered. A discussion will be held as to the necessity of a coordinated research program with industry contributing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-6084; Filed, July 7, 1948; 8:53 a m.]

FEDERAL POWER COMMISSION

[Docket No. G-859]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF AMENDED APPLICATION

JULY 1, 1948.

Notice is hereby given that on June 24, 1948, an application was filed with the Federal Power Commission by Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal places of business at Owensboro, Kentucky, and Memphis, Tennessee, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural-gas facilities:

(1) Approximately 114 miles of 20-inch and 726 miles of 26-inch gas transmission pipe line extending from a point in the Carthage Gas Field, Panola County, Texas, to a point of connection with the pipe lines of Texas Eastern Transmission Corporation at the intake side of Texas Eastern's Lebanon Compressor Station (Compressor Station No. 16) near Middletown, Ohio;

(2) Approximately 32 miles of 12¾-inch lateral line extending from a point on the proposed 26-inch pipe line near Madisonville, Kentucky, to a point of connection with existing pipe lines of Applicant's Kentucky Division near Evansville, Indiana;

(3) Ten (10) compressor stations with an aggregate of 68,800 rated horsepower.

Applicant has succeeded by statutory merger to all the properties, rights, privileges, powers and franchises of Memphis Natural Gas Company and Kentucky Natural Gas Corporation, and the acquisition and operation by Applicant of the natural gas systems of Memphis and Kentucky was authorized by the Commission in its order of March 30, 1948 in Docket No. G-855. The original application herein was filed February 7, 1947 by Memphis Natural Gas Company, and Applicant states that in accordance with representations previously made by Applicant in Docket No. G-855, the application in Docket No. G-859 is adopted and amended to be the application of this Applicant as successor to Memphis Natural Gas Company.

Applicant states that the proposed facilities are necessary to meet the increased demands of Applicant's present customers for natural gas and to serve a portion of the requirements of other companies presently rendering natural gas service in the Kentucky, Ohio and Pennsylvania areas. In addition to providing service to communities presently served by Applicant, it is stated that contracts have been entered into to furnish gas from the proposed facilities, for a period of 20 years from the date of first delivery thereunder, to Louisville Gas and Electric Company, The East Ohio Gas Company, The Ohio Fuel Gas Company, The Manufacturers Light and Heat Company, and Texas Eastern Transmission Corporation. Natural gas purchased by the companies named, except Louisville Gas and Electric Company, is to be de-

livered from the proposed facilities into the pipe lines of Texas Eastern at Texas Eastern's Compressor Station No. 16 near Middletown, Ohio, and is to be transported by Texas Eastern east from that point to points of delivery. Deliveries of gas at the eastern terminus of the proposed new line near Middletown, Ohio, are expected to start in November or December of 1949, and deliveries of full contract quantities are expected to begin not later than the spring of 1950. All construction is expected to be completed by the fall of 1950.

Annual sales of natural gas from the proposed facilities are estimated to be 91,918,550 Mcf for 1950 and estimated to be 101,572,550 Mcf for 1951.

Applicant states that it has entered into gas supply contracts with producers in the Carthage Field, Panola County, Texas, and with Texas Eastern Transmission Corporation, for a supply of gas for the proposed facilities. Gas purchased from Texas Eastern will be delivered at a point of connection near Lisbon, Louisiana. Gas for Applicant's existing Memphis Division is obtained from the Monroe and Lisbon Gas Fields in Louisiana under existing contracts, and gas for Applicant's Kentucky Division is obtained primarily under contracts with Panhandle Eastern Pipe Line Company and Tennessee Gas Transmission Company.

The estimated over-all capital cost of the proposed facilities is $73,500,000, to be financed from funds on hand and currently accruing, from sale of common stock, from bank loans, and from sale of $60,000,000 principal amount of funded debt.

The rates proposed to be charged by Applicant for service from the new line to Louisville Gas and Electric Company, The East Ohio Gas Company, The Ohio Fuel Gas Company, The Manufacturers Light and Heat Company and Texas Eastern Transmission Corporation are set forth in contracts entered into by Applicant with such companies as set forth in the application. Applicant states that the rate presently charged by its Memphis Division and its Kentucky Division will not be changed.

Any interested State commission is requested to notify the Federal Power Commission whether the amended application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The amended application of Texas Gas Transmission Corporation is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the amended application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-6063; Filed, July 7, 1948; 8:49 a. m.]

[Docket No. G-1059]

COLORADO INTERSTATE GAS CO.

NOTICE OF APPLICATION

JULY 1, 1948.

Notice is hereby given that on June 15, 1948, Colorado Interstate Gas Company (Applicant) a Delaware corporation, having its principal place of business at Colorado Springs, Colorado, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, for the construction and operation of approximately 6.2 miles of 8⅝-inch loop lateral pipeline from Applicant's 20-inch main Panhandle-Denver pipeline in El Paso County, Colorado, to its existing metering and regulating station at the east city limits of the City of Colorado Springs, Colorado, for the delivery of natural gas to the City of Colorado Springs owning and operating the gas distribution system in the Cities of Colorado Springs and Manitou Springs, Colorado.

Applicant states that at the present time it is supplying natural gas to the City of Colorado Springs, Colorado, by means of a single 8⅝-inch lateral line extending from Applicant's 20-inch main pipeline. Applicant further recites that due to increased requirements of this customer and the operating conditions which Applicant expects on its main line, the existing Colorado Springs lateral line will no longer be able to deliver the volumes required to supply the consumers of the City of Colorado Springs. Applicant further states that the estimated firm peak day demand of the City of Colorado Springs ranges from 22,058 Mcf in the 1948–49 winter season to 29,628 Mcf during the 1951–52 winter season; while the corresponding estimated firm peak hour demand ranges from 1,150 Mcf during the 1948–49 winter season to 1,485 Mcf during the 1951–52 winter season. The application recites that under the most favorable operating conditions which Applicant could expect on its main 20-inch pipe line during the winter season of 1948–49, the existing single 8-inch Colorado Springs lateral will deliver only 750 Mcf during peak hours. Applicant states that this fact indicates the necessity for construction of the proposed loop lateral to enable Applicant to deliver a maximum of 1,500 Mcf per hour to the City of Colorado Springs on peak days.

Applicant estimates the total over-all capital cost of the proposed facilities is $75,000, which amount will be financed from cash resources of Applicant.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Colorado Interstate Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-6064; Filed, July 7, 1948; 8:49 a. m.]

[Docket No. G-1060]

COLORADO INTERSTATE GAS CO.

NOTICE OF APPLICATION

JULY 1, 1948.

Notice is hereby given that on June 15, 1948, Colorado Interstate Gas Company (Applicant), a Delaware corporation, having its principal place of business in Colorado Springs, Colorado, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, for the construction and operation of two new 1,200 H. P. gas engine compressors with necessary appurtenant equipment at Applicant's Lakin compressor station in Kearny County, Kansas, on Applicant's Hugoton-Denver pipeline.

Applicant states that the proposed facilities will increase the delivery capacity of Applicant's pipeline system by approximately 19,000 Mcf per day. Applicant further states that it does not expect to serve any additional customers, and no new communities are to be served by reason of these additional facilities. Applicant further recites that a net firm peak demand of 269,000 Mcf per day on its system is indicated for the winter of 1948–49, whereas the maximum deliverable capacity of Applicant's existing system is only 250,000 Mcf per day, thus leaving a deficiency of 19,000 Mcf per day, in firm delivery.

Applicant estimates the total over-all cost of the proposed facilities is $301,000, which Applicant will finance from cash resources on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Colorado Interstate Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the rules of practice and procedure.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-6065; Filed, July 7, 1948; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1850]

BELLOWS FALLS HYDRO-ELECTRIC CORP. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 30th day of June A. D. 1948.

In the matter of Bellows Falls Hydro-Electric Corporation, Connecticut River Power Company, New England Power Company, New England Electric System; File No. 70-1850.

Notice is hereby given that a joint application-declaration and an amendment thereto have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by New England Electric System ("NEES") a registered holding company, and its subsidiary companies, Bellows Falls Hydro-Electric Corporation ("Bellows"), Connecticut River Power Company ("Connecticut") and New England Power Company ("NEPCO") Applicants-declarants have designated sections 6 (b) and 9 (b) (1) of the act and Rules U-42 (b) (2) U-43, U-45 and U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 12, 1948, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 12, 1948, said application-declaration, as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration, as amended, which is on file with this Commission; for a statement of the transactions therein proposed which are summarized as follows:

Bellows proposes to sell its utility assets and materials and supplies to NEPCO and Connecticut proposes to sell to NEPCO a certain transmission line. NEPCO proposes to issue and sell, at competitive bidding pursuant to Rule U-50, $11,000,000 principle amount of First Mortgage Bonds, ___%, Series B, due 1978, hereinafter sometimes referred to as "Series B bonds" under its existing Indenture of Trust and First Mortgage, dated November 15, 1936, and its First Supplemental Indenture, to be dated July 1, 1948.

The net proceeds to be derived from the proposed issuance and sale of said Series B bonds, estimated at $10,925,000, together with $176,625 of treasury funds, will be used by NEPCO (1) to pay for the utility assets of Bellows at net original cost ($8,763,038) and materials and supplies ($40,707) less assumption of a liability ($52,120) or a net amount of $8,751,625; (2) to pay $533,960 for a transmission line of Connecticut at net original cost; and (3) to reduce by $1,816,040 its indebtedness to banks. Bellows proposes to use the cash it receives from the sale of its properties for the call of its $8,150,000 principal amount of First Mortgage 5% Gold Bonds at the call price of 101½% of the principal amount thereof and for the payment of its $500,000 indebtedness to a bank. Connecticut proposes to use the cash it receives to reduce the principal amount of its 3¾% Series A First Mortgage Bonds from $16,089,000 to $15,555,000.

The application-declaration states that in connection with the sale by Bellows of its utility assets, a loss will be sustained which will be deducted from taxable consolidated net income in determining the liability for federal income taxes. Bellows and NEES seek the Commission's authority to allocate consolidated federal income taxes for the taxable year 1948 in a manner other than that permitted by Rule U-45 (b) (6) by proposing that NEES, in the first instance, receive the full tax credit for the claimed loss to be included in the consolidated federal income tax return. NEES in the application-declaration stipulates and agrees that if the above referred to authorization is granted by the Commission, it will, at the time of the sale by Bellows of its properties, establish upon its books a reserve equal to the full tax credit and proposes that the Commission reserve its jurisdiction to dispose of such tax credit and the reserve to be set up therefor in such manner and by such adjustments to the accounts of NEES as the Commission may at any time determine. NEES in the application-declaration further stipulates and agrees that the above referred to reserve account will be entitled "Reserve Re Tax Allocation" and that such tax credit and reserve account will be disposed of by NEES in such manner as the Commission may subsequently order; and that such reserve account will be footnoted in all published financial statements to indicate that the Commission has reserved jurisdiction over the disposition thereof and related accounting adjustments. Bellows and NEES request in the application-declaration that when the Commission acts upon the disposition of said reserve account, it permit the full amount of the tax credit to be allocated to Bellows so that Bellows will be the ultimate recipient of the full tax credit for the net loss claimed. The application-declaration further states that Bellows will not be liquidated until such time as disposition of said reserve account is ordered by the Commission.

NEES further proposes pursuant to Rule U-45 to make a cash advance to Bellows of an amount not in excess of $1,100,000 but in an amount to provide Bellows with sufficient cash to pay its accounts payable to NEPCO at or prior to the consummation of the proposed sale of its utility assets. It is stated that the cash advanced will bear interest at the rate of 3% per annum. The investment of NEES in Bellows which, by virtue of the above referred to cash advance, will be increased from $3,500,000 to approximately $4,600,000, will be carried in the investment account of NEES and its disposition will be made pursuant to further order of the Commission in connection with the disposition of the Reserve Re Tax Allocation. All published financial statements of NEES will include a footnote to its investment in Bellows stating that Bellows is in the process of liquidation but as the final tax credit in connection with the claimed loss on the sale of its properties and the disposition of the Reserve Re Tax Allocation and related accounting adjustments are not known, disposition will not be made except pursuant to further order of the Commission in connection with the disposition of said reserve account.

The expenses for services in connection with the proposed sale by Bellows and Connecticut including services at the actual cost thereof by New England Power Service Company, an affiliated service company, are estimated in the application-declaration not to exceed $10,000 and $2,000 respectively. Other expenses including the expense in connection with the issuance and distribution of the Series B bonds by NEPCO will be supplied by amendment.

The application-declaration lists the Department of Public Utilities of Massachusetts, the Vermont Public Service Commission and the New Hampshire Public Service Commission as the State Commissions having jurisdiction with respect to the proposed transactions. It is stated that The Federal Power Commission is believed to have jurisdiction over the acquisition of properties by NEPCO.

Applicants-declarants request that the Commission's order, when issued, become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-6056; Filed, July 7, 1948; 8:47 a. m.]

[File No. 70-1852]

INDIANA SERVICE CORP. ET AL.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its

office in the city of Washington, D. C., on the 30th day of June A. D. 1948.

In the matter of Indiana Service Corporation, Indiana & Michigan Electric Company, American Gas and Electric Company. File No. 70–1852.

American Gas and Electric Company ("American Gas") a registered holding company, and its utility subsidiaries, Indiana Service Corporation ("Indiana Service") and Indiana & Michigan Electric Company ("Indiana & Michigan") having filed a joint application and amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) 12 (d) and 12 (f) thereof and Rule U-43 thereunder with respect to the statutory merger of Indiana Service into Indiana & Michigan, the surrender by American Gas to the merged Indiana & Michigan of all of the 200,000 outstanding shares of Indiana Service's no par value common stock in exchange for 100,000 shares of Indiana & Michigan no par value common stock, and the termination of Indiana Service's corporate existence; and

Indiana & Michigan and Indiana Service having requested that the order of the Commission conform to the requirements of section 1808 (f) and Supplement R of the Internal Revenue Code, as amended, and contain the findings therein specified; and

A public hearing having been held on said application, as amended after appropriate notice and the Commission having examined the record and having made and filed its findings and opinion herein:

It is ordered, That said application, as amended, be and the same hereby is granted effective forthwith subject to the terms and conditions contained in Rule U-24.

It is further ordered and recited, That the issuance of 100,000 shares of common stock of Indiana & Michigan, the transfer by Indiana Service to American Gas of Indiana Service's right to receive said 100,000 shares of common stock of Indiana & Michigan, and the transfer by Indiana Service of its assets to Indiana & Michigan, are necessary or appropriate to the integration or simplification of the holding company system of which Indiana & Michigan and Indiana Service are members and necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48–6057; Filed, July 7, 1948; 8:48 a. m.]

[File No. 70–1853]

NATIONAL FUEL GAS CO. ET AL

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of June 1948.

In the matter of National Fuel Gas Company, United Natural Gas Company, Iroquois Gas Corporation; File No. 70–1853.

National Fuel Gas Company ("National") a registered holding company, and its gas utility subsidiaries, United Natural Gas Company ("United") and Iroquois Gas Corporation ("Iroquois"), having filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6, 7, 9 (a) 10, 12 (b) and 12 (f) thereof, with respect to the following proposed transactions:

National proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $13,500,000 principal amount of its ...% Sinking Fund Debentures due 1973. The interest rate and the price to the company will be determined by competitive bidding except that the invitation for bids will specify that the price to the company shall be not less than 100% nor more than 102.75% of the principal amount of the debentures.

The proceeds from the sale of the debentures will be used, in major part, to finance the construction program of United and Iroquois and to repay National's indebtedness to The Chase National Bank of the City of New York. The following steps are proposed to effectuate this application of the proceeds:

(A) National will apply (i) $8,000,000 to the purchase of 320,000 additional shares of United's common capital stock of a stated value of $25 per share, (ii) $1,500,000 to the purchase of 15,000 shares of additional common stock of Iroquois of the par value of $100 per share, and (iii) $3,350,000 to the purchase of an additional 33,500 shares of common capital stock of Iroquois when the issuance and sale of such 33,500 shares shall have been approved by the Public Service Commission of the State of New York. Pending such approval, National will loan to Iroquois up to $3,350,000 on open account, for a period not exceeding six months from the date of sale of its debentures, at the same rate of interest which National will pay on its debentures.

(B) United will utilize up to $5,000,000 of the proceeds of the sale of its common stock to repay promissory notes due National, contemplated to aggregate $5,000,000 at July 1, 1948, and the balance of the proceeds will be utilized, in major part, in furtherance of United's 1948 and 1949 construction program.

(C) Iroquois will utilize $500,000 of the proceeds of the sale of its 15,000 shares of common stock to repay a like principal amount out of $1,500,000 of promissory notes presently due National; $800,000 of the proceeds will be utilized for additions to utility plant and $200,000 for the purchase of additional supplies of oil and natural gas. The proceeds of the $3,350,000 open account loan to be made by National to Iroquois will be utilized by Iroquois to reimburse its treasury for expenditures heretofore and hereafter made in connection with its 1948–1949 construction program as well as for additional working funds. When Iroquois shall have sold the 33,500 shares of additional common stock to National, the proceeds thereof will be applied, in major part, to the repayment of the then balance of indebtedness due National.

(D) National will utilize the proceeds from the repayment of its loans by United and Iroquois, contemplated to be in the amount of $6,500,000, to the repayment of a loan made to it by The Chase National Bank of New York, in like amount, which loan was incurred for the purpose of enabling National to advance the proceeds to United and Iroquois, under credit agreements, to meet construction requirements. The credit agreements between National and United and Iroquois, respectively, which were entered into pursuant to permission granted by order of this Commission entered July 17, 1947 under its File No. 70–1559, expire June 30, 1948, and it is proposed that they be extended until 10 days after the date of the sale of National's debentures.

The issuance and sale of 320,000 shares of common stock by United and of 15,000 shares of common stock by Iroquois have been approved by the Pennsylvania Public Utility Commission and the Public Service Commission of the State of New York, respectively, and Iroquois has pending an application with the latter commission seeking its approval of the issuance and sale of 33,500 additional shares of its common stock.

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration that the requirements of the applicable provisions of the Act and Rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers, that the said application-declaration be granted and permitted to become effective and deeming it appropriate to grant the request of declarants that the order become effective as soon as practicable:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, that said joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the further conditions (i) that the proposed issuance and sale of debentures shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record herein and a further order shall have been entered with respect thereto, which order shall contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction be, and the same hereby is, reserved, and (ii) that the proposed issuance and sale of 33,500 shares of common stock by Iroquois shall not be consummated until the same shall have been approved by order of the Public Service Commission of the State of New York and a copy of such approval order shall have been made a matter of record herein.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over

all fees and expenses to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-6052; Filed, July 7, 1948; 8:47 a. m.]

[File Nos. 70-1858, 70-1865]

INDIANA GAS & WATER CO., INC., AND PUBLIC SERVICE CO. OF INDIANA, INC.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 30th day of June A. D. 1948.

In the matter of Indiana Gas & Water Company, Inc., File No. 70-1858; Public Service Company of Indiana, Inc., File No. 70-1865.

Indiana Gas & Water Company, Inc., ("Indiana Gas") a public utility company, and its corporate parent, Public Service Company of Indiana, Inc., ("Public Service") a direct subsidiary of The Middle West Corporation, a registered holding company, having filed an application-declaration and an application, respectively, pursuant to the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder, with respect to the following transactions:

Indiana Gas proposes to issue and sell 60,000 shares of its $10 par value common stock at $12.50 per share, and in connection therewith, to issue to the holders of its outstanding common stock transferable subscription warrants entitling the holder to purchase said stock for a limited period. On the basis of the 600,000 shares of common stock outstanding, the holder of each share of such outstanding stock would be entitled to warrants for the purchase of 1/10 share of the stock proposed to be issued. Public Service, the owner of 267,010.9 shares (approximately 44½%) of such outstanding stock, proposes, however, to waive its subscription rights, except as to 62 shares; and accordingly Indiana Gas proposes to allocate, pro rata, to its stockholders, other than Public Service, the rights to be waived by Public Service thus increasing the warrants issuable to such other stockholders from 1/10 share to 9/50 share for each share of outstanding stock held. Public Service proposes to purchase, at the subscription price, any shares not sold through the exercise of the subscription warrants. The proceeds received by Indiana Gas from the sale of the stock are to be used to finance in part its construction requirements through December 31, 1950.

Notice of the filing of said application-declaration and said application having been given in the form and manner prescribed by Rule U-23, promulgated under the act, and the Commission not having received a request for a hearing with respect thereto within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Applicant-declarant and applicant having requested acceleration of the effectiveness of the Commission's order herein; and

It appearing that the issue and sale of said stock is exempt from the competitive bidding requirements of Rule U-50 under the provisions of paragraphs (a) (1) and (a) (4) thereof; and

The Commission finding no basis for adverse findings with respect to the issue and sale of said stock and deeming it appropriate to grant and permit said application-declaration to become effective and to grant said application, and deeming it appropriate to grant the request for acceleration of the effectiveness of the Commission's order:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that said application-declaration be, and it hereby is, granted and permitted to become effective and said application is hereby granted.

It is further ordered, That this order shall become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-6049; Filed, July 7, 1948; 8:46 a. m.]

[File Nos. 70-1860, 70-1859]

NORTHERN STATES POWER CO.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 30th day of June A. D. 1948.

In the matter of Northern States Power Company, a Minnesota corporation, File No. 70-1860; Northern States Power Company, a Wisconsin corporation, File No. 70-1859.

Northern States Power Company, a Minnesota corporation ("the Minnesota company") an electric and gas utility company and a registered holding company under the Public Utility Holding Company Act of 1935, which company is also a subsidiary of Northern States Power Company, a Delaware corporation and a registered holding company, having filed an application-declaration and amendments thereto, pursuant to sections 6, 7, 9 and 10 of the act and Rules U-23, U-24, U-42 and U-50 promulgated thereunder as applicable to the proposed transactions; and Northern States Power Company, a Wisconsin corporation ("the Wisconsin company") an electric and gas utility company and a subsidiary of the Minnesota company, having filed an application and amendments thereto pursuant to section 6 (b) of the act and Rules U-23, U-24, and U-43 thereunder as applicable to its proposed transaction, which several transactions are summarized as follows:

The Minnesota company proposes to issue and sell $10,000,000 principal amount of its First Mortgage Bonds, Series due July 1, 1978, ("New Bonds"), the interest rate to be a multiple of 1/8 of 1% and the price (exclusive of accrued interest) to be not less than 100% nor more than 102¾% of the principal amount, the exact rate and price to be determined by competitive bidding. Such bonds are to be secured equally and ratably with the presently outstanding $5,000,000 principal amount of 2¾% First Mortgage Bonds, Series due February 1, 1974, and $75,000,000 principal amount of 2¾% First Mortgage Bonds, Series due October 1, 1975, by a Supplemental Trust Indenture from Northern States Power Company (Minnesota) to Harris Trust and Savings Bank, Trustee, dated July 1, 1948 (being supplemental to Trust Indenture dated February 1, 1937) The Minnesota company further proposes to issue and sell 200,000 shares of its Cumulative Preferred Stock, $____ Series without par value ("New Preferred Stock"), the annual dividend rate to be a multiple of 10 cents, and the price to be not less than $100 per share nor more than $102.75 per share plus accrued dividends from July 1, 1948 to date of delivery, the exact rate and price to be determined by competitive bidding. The New Preferred Stock will be issued subject to a repurchase agreement whereby the company will endeavor to purchase in each calendar year commencing with the calendar year 1952, on a national securities exchange (if so listed) or in the open market or at private sale, at prices not exceeding the initial public offering price thereof plus accrued dividends, 2% of the maximum number of shares of said stock at any time issued and outstanding to the close of the preceding calendar year. To the extent that such purchases are not effected prior to November 10 of any such year, the Company is required to invite tenders, by published notices, from all holders of the New Preferred Stock, at an amount per share equivalent to the initial public offering price, plus accrued dividends to the date of purchase. The company shall not so purchase such shares in any period during which it shall be in default for any past dividend period in the payment of dividends upon its Cumulative Preferred Stock of any series then outstanding or upon any other class of stock over which the New Preferred Stock does not have preference as to the payment of dividends.

The redemption prices of the New Bonds and the New Preferred Stock will be determined by the company in accordance with formulas set forth in the application-declaration.

The proceeds to be derived from the sale of said securities, less expenses estimated at $170,000, will be added to the general funds of the Minnesota company and used to provide part of the new capital required for the 1947-1951 construction program of the company and its subsidiary companies. With the addition of such proceeds, it is expected that the company's general funds available during the year 1948 will provide the cash required by it (a) for its expenditures under the construction program for the balance of the year 1948; (b) to pay the bank loans in the principal amount of $12,000,000 which are due October 29, 1948 and which were made in October

1947, to supply the then current needs of the 1947–1951 construction program; and (c) to purchase at par, from time to time during the balance of the year 1948, not to exceed 60,000 additional shares of Common Stock, of the par value of $100 each, of the company's subsidiary Northern States Power Company (Wisconsin) all of whose presently outstanding Common Stock is owned by the Minnesota company.

The Wisconsin company proposes to issue and sell at par, from time to time during the balance of the year 1948, to its parent, the Minnesota company, not to exceed 60,000 additional shares of its Common Stock of the par value of $100 per share (aggregate par value $6,000,000) and to add the proceeds from the sale of the said stock, less expenses estimated at $24,000, to its general funds, to be expended in carrying out its portion of the construction program for the balance of the year 1948 and to pay its bank loan in the principal amount of $1,000,000 which is due on November 5, 1948 and which was made in May 1948, to supply the then current needs of its portion of the 1947–1951 construction program.

Said application-declaration and said application having been filed on June 3, 1948, and the Commission having ordered their consolidation and having issued due notice of said filings in the form and manner prescribed by Rule U-23; and no request for a hearing with respect thereto within the period specified in said notice, or otherwise, having been received; and the Commission not having ordered a hearing thereon; and

The Public Service Commission of North Dakota having issued on June 11, 1948, an order approving the issues of the New Bonds and the New Preferred Stock by the Minnesota company and the Public Service Commission of Wisconsin having issued on June 1[illegible] 1948; a certificate authorizing the Wisconsin company to issue and sell additional shares of its Common Stock as proposed; and it appearing that no other State Commission has jurisdiction over the proposed transactions; and

The Commission finding with respect to said application-declaration as amended of the Minnesota company, and also with respect to said application as amended of the Wisconsin company that the requirements of the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration as amended and that said application as amended be granted and permitted to become effective subject to the terms and conditions specified below, and that the request of the applicant companies that the order become effective forthwith be granted:

It is therefore ordered, That, pursuant to Rule U-23, said application-declaration as amended of the Minnesota company and said application as amended of the Wisconsin company be and the same are hereby granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed issuance and sale of the New Bonds and the New Preferred Stock of the Minnesota company shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 shall have been made a matter of record herein and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may be deemed appropriate, for which purpose jurisdiction is hereby reserved.

The Minnesota company having requested that the Commission's order herein permit the operation of its proposed repurchase agreement with respect to the New Preferred Stock without further proceedings under the act or the rules thereunder; and it appearing that future acquisitions of said stock pursuant to said agreement may appropriately be exempted, pursuant to Rule U-100 (a) from the provisions of Rule U-42 or any similar rule or regulation, subject to the conditions stated hereinafter;

It is further ordered, That, notwithstanding the requirements of Rule U-42 (or of any similar rule or regulation relating to the acquisition of capital stock by a registered holding company or subsidiary thereof promulgated by the Commission under the provisions of the Holding Company Act of 1935), the acquisition by the Minnesota company in any calendar year of such number of shares of the New Preferred Stock as may be necessary to satisfy its repurchase agreement with respect thereto, be and the same is hereby exempted from the provisions of any such rule: *Provided, however* That said exemption is conditioned upon the Minnesota company's reporting to the Commission within a period of thirty days after December 31 of each calendar year (beginning with the calendar year 1952) the number of shares of the New Preferred Stock purchased in each calendar month of said year pursuant to the provisions of said repurchase agreement, the prices at which such shares were purchased, and whether such shares were purchased on a national securities exchange, in the open market, or through tenders.

It is further ordered, That jurisdiction be, and the same is hereby reserved, with respect to the fees and expenses in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-6058; Filed, July 7, 1948; 8:49 a. m.]

[File No. 70-1892]

PUBLIC SERVICE ELECTRIC AND GAS CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of June 1948.

Public Service Electric and Gas Company ("PEG"), an electric utility subsidiary of Public Service Corporation of New Jersey, a registered holding company, which is in turn a subsidiary of The United Corporation, also a registered holding company, having filed an application, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 of the general rules and regulations promulgated thereunder, with respect to the following proposed transaction:

PEG proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, 200,000 shares of its --% Cumulative Preferred Stock of the par value of $100 per share. The dividend rate and the price to the company for the preferred stock will be determined by competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100% nor more than 102.75% of the par value.

The proceeds of the sale of the preferred stock will be utilized in connection with PEG's construction and improvement program.

The proposed issuance and sale of the preferred stock having been approved by the Board of Public Utility Commissioners of the State of New Jersey and

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that the said application be granted, and deeming it appropriate to grant the request of applicant that the order become effective not later than July 1, 1948;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, that said application be, and the same hereby is, granted, subject to the terms and conditions prescribed in Rule U-24 and to the further conditions that the proposed issuance and sale of said stock shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record herein and a further order shall have been entered with respect thereto, which order shall contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction be, and the same hereby is, reserved.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over all fees and expenses to be incurred in connection with the proposed transaction.

It is further ordered, That the ten-day period for the reception of bids with respect to the bonds proposed to be sold, prescribed by Rule U-50, be, and the same hereby is, shortened so that bids may be opened on July 7, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-6054; Filed, July 7, 1948; 8:47 a. m.]

[File No. 70-1863]

COLUMBIA GAS SYSTEM, INC. AND CENTRAL KENTUCKY NATURAL GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of June 1948.

The Columbia Gas System, Inc. ("Columbia") a registered holding company, and its gas utility subsidiary, Central Kentucky Natural Gas Company ("Central Kentucky") having filed a joint application-declaration, as amended, pursuant to sections 6, 7 and 10 of the Public Utility Holding Company Act of 1935, with respect to the following transactions:

Central Kentucky proposes to issue and sell to Columbia $1,500,000 principal amount of its 3¼% promissory notes payable in equal annual instalments commencing 1950 and ending in 1974.

The proceeds from the sale of said promissory notes will be utilized by Central Kentucky to finance, in part, its construction and gas storage program during 1948, and said notes will be issued and sold only to the extent and at such times as funds are required by Central Kentucky and none of such notes will be issued and sold subsequent to December 31, 1948.

Such joint application-declaration, as amended, having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of the applicable provisions of the act are satisfied, and deeming it appropriate in the public interest and in the interests of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-6051; Filed, July 7, 1948; 8:46 a. m.]

[File No. 70-1866]

COLUMBIA GAS SYSTEM, INC. AND OHIO FUEL GAS COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of June 1948.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly owned subsidiary, The Ohio Fuel Gas Company ("Ohio Fuel"), having filed a joint application pursuant to sections 6 (b) 9 and 10 of the Public Utility Holding Company Act of 1935 with respect to the following transaction:

Ohio Fuel proposes to issue and sell to Columbia $18,000,000 principal amount of 3¼% installment promissory notes. Such notes are to be paid in equal annual instalments on August 15th of each of the years 1950 to 1974, inclusive. The application states that the proceeds to be obtained through the issue and sale of said notes will be utilized by Ohio Fuel to finance its 1948 construction and gas storage programs estimated to cost approximately $19,000,000. Since the construction program of Ohio Fuel is subject to the availability of materials and to other uncertainties, it is proposed that Ohio Fuel issue and sell the 3¼% notes at such times and in such amounts as funds are required, none of such notes, however, to be issued and sold subsequent to December 31, 1948.

The Public Utilities Commission of Ohio, by order dated May 10, 1948, having approved the issue and sale by Ohio Fuel of its 3¼% notes to Columbia; and

Said joint application having been filed on June 8, 1948 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of the applicable provisions of the act and the rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interests of investors and consumers that said joint application be granted, and deeming it appropriate to grant a request of applicants that the order become effective at the earliest date possible:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the joint application be, and the same hereby is, granted and the proposed transaction may be consummated forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-6050; Filed, July 7, 1948; 8:46 a. m.]

[File No. 70-1867]

LEHIGH VALLEY TRANSIT CO. AND ALLENTOWN BRIDGE CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 29th day of June A. D. 1948.

Lehigh Valley Transit Company ("Transit"), a non-utility subsidiary of National Power & Light Company, which is a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and Transit's non-utility subsidiary, Allentown Bridge Company ("Bridge Company") have filed a joint application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) and 12 (b) thereof, and Rule U-45 thereunder, with respect to the following transactions:

Bridge Company proposes to borrow from the Home Life Insurance Company $150,000 on July 1, 1948. The proposed loan is to bear interest at the rate of 4% per annum and will be evidenced by promissory notes in the aggregate principal of $150,000, $5,000 principal amount thereof to mature at the end of each six months following July 1, 1948, and the balance of $55,000 principal amount to mature July 1, 1958. The notes are to be secured by a first mortgage on all the property of Bridge Company and will be guaranteed as to payment of principal and interest by Transit.

The proceeds of the proposed loan together with other corporate funds will be used by Bridge Company to pay at maturity on July 1, 1948, $163,500 principal amount of its First Mortgage 5% Gold Bonds.

The loan agreement to be entered into between Bridge Company and Home Life Insurance Company and Transit provides for the subordination by Transit to the insurance company of claims to principal and interest on the demand note of Bridge Company in the amount of $54,500 owned by Transit.

The proposed transactions have been approved by the Public Utilities Commission of the State of Pennsylvania, the State in which both Transit and Bridge Company were organized and are doing business.

The application-declaration having been filed on June 9, 1948 and an amendment thereto having been filed on June 24, 1948, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration, as amended, within the period specified or otherwise and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied, that no adverse findings are necessary thereunder, and the Commission deeming it appropriate that said application-declaration, as amended, be granted and permitted to become effective, without the imposition of terms and conditions, and also deeming it appropriate to grant applicants'-declarants' request that the order herein be issued as promptly as may be practicable and that it be effective forthwith upon its issuance;

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of

said act, and subject to the terms and conditions prescribed by Rule U-24 that said application-declaration, as amended, be and the same hereby is granted and permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-6053; Filed, July 7, 1948; 8:47 a. m.]

[File No. 70-1877]

CENTRAL STATES ELECTRIC CORP.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 30th day of June 1948.

Carl J. Austrian and Robert G. Butcher, Trustees of Central States Electric Corporation, Debtor, ("Trustees"), in reorganization under Chapter X of the Bankruptcy Act in the United States District Court for the Eastern District of Virginia, and affiliates of The North American Company and The United Light and Railways Company, both registered holding companies, having filed an application, pursuant to sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following transactions:

The Trustees, together with their subsidiaries, Blue Ridge Corporation and American Cities Power and Light Corporation, all of which are registered investment companies under the Investment Company Act of 1940, own approximately 5.8% of the common stock of The North American Company ("North American") By order of the Commission dated May 19, 1948, North American was permitted, among other things, to distribute on July 1, 1948, in partial liquidation, to its holders of common stock of record as of June 4, 1948, shares of the common stock of Wisconsin Electric Power Company ("Wisconsin Electric") having a par value of $10 per share, owned by North American, at the rate of 3 shares of Wisconsin Electric common stock for each 100 shares of North American common stock held. As a result of said distribution on July 1, 1948, the Trustees, together with their subsidiaries, Blue Ridge Corporation and American Cities Power and Light Corporation, are entitled to receive an amount of common stock of Wisconsin Electric which, together with their present holdings of Wisconsin Electric securities, will amount to approximately 5.42% of the outstanding voting securities of Wisconsin Electric, thereby causing the Trustees to become an affiliate of Wisconsin Electric.

The Trustees now propose to acquire and own, directly or indirectly, the shares of Wisconsin Electric common stock which they and their subsidiaries are entitled to receive pursuant to said distribution on July 1, 1948, by North American, and they represent that subsequent to such distribution, they intend to dispose of a sufficient number of shares of Wisconsin Electric, either directly or indirectly, to reduce their direct or indirect ownership of such shares to an amount representing less than 5% of the voting power of Wisconsin Electric. The foregoing disposition will be made, subject to any necessary approval of the United States District Court for the Eastern District of Virginia, as soon as practicable and within 6 months from the date of this order, or within such extended period of time as the Commission may permit upon application therefor by the Trustees.

Said application having been filed on June 21, 1948, and the Commission having given notice of said filing in the form and manner prescribed by Rule U-23 promulgated under said act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The applicants having requested that the Commission's order herein be issued as promptly as possible and become effective upon the issuance thereof, and the Commission deeming it appropriate to grant such request; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied and that no adverse findings are necessary thereunder and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that said application be, and the same hereby is, granted, and that the proposed transactions may be consummated forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-6055; Filed, July 7, 1948; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

JITSSUICHI MASAKI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof the following property, located in the Treasury of the United States, Washington, D. C., subject to any increase or decrease resulting from the administration of such property prior to return and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Jitsuichi Masaki, 215 Kalihi St., Honolulu, T. H.	11410	$1,063.29
Masako Matano, P. O. Box 193, Wahiawa, Oahu, T. H.	11411	507.35
Kumanosuke Morikawa, 923 Ahana Lane, Honolulu, T. H.	11416	3,015.79
Suye Nakaya, 2029-A Young St., Honolulu, T. H.	11422	2,724.25
Yoshi Nojima,[1] 1433-B Chung Hoon Lane, Honolulu, T. H.	11420	287.03
Yasuko Ono, 563 Winant St., Honolulu 35, T. H.	11434	210.27
Tokuta Oyama, 4161 Koko Dr., Honolulu, T. H.	11435	714.42
Kama Shiroma or Kamada Shiroma, 1741 Silva St., Honolulu, T. H.	11439	1,753.14
Suzu Suzuki or Eijiro Suzuki, care of Ewa Plantation Hospital, Ewa, Oahu, T. H.	11441	2,113.93
Sankichi Uychara or Eto Uychara, 2009 Damonat St., Honolulu, T. H.	11443	347.29
Richard Kiyoshi Yoshizumi or Hatsuye Yoshizumi, 723 Kinau St., Honolulu 34, T. H.	11423	2,710.50
Mrs. Tachi Ito, P. O. Box 693, Puunene, Maui, T. H.	11491	1,034.40
Saku Kamano, 1217 Cunha Lane No. 3, Honolulu 22, T. H.	11493	627.40
Hideko Kuba or Ryozon Kuba, c/o 207 Watumull Bldg., 1066-A Keeaumoku St., Honolulu, T. H.	11503	500.75
Hatsuzo Kunimitsu, 1520 Sereno Lane, Honolulu 62, T. H.	11507	710.18
K. Mikami, a/k/a Katsuichi Mikami, P. O. Box 416, Waipahu, Oahu, T. H.	11515	2,112.87
Sada Miyashiro (Uchi Miyashiro), 701 Pohukaina St., Honolulu, T. H.	11517	1,513.63
I. Nakamura, 215 North Beretania St., Honolulu, T. H.	11527	230.91
Muta Nakamura, P. O. Box 334, Waipahu, Oahu, T. H.	11523	1,770.73
Minoru Ozawawara or Kikuyo Ozawawara, 215 Kalihi St., Honolulu, T. H.	11533	2,052.87
Tsuruko Takeuchi or Kamei Takeuchi, 532-A Kiawe St., Honolulu, T. H.	11551	262.06
Isao Yamakawa, 1750 Waiola St., Honolulu, T. H.	11560	1,041.92
Kaizo Goto or Kikuyo Goto 442-A Cooke St., Honolulu, T. H.	11815	1,569.44
Rinichi Hashimoto, Box 453, Waipahu, Oahu, T. H.	11817	2,247.56
Masaichi Hirakawa, 1714 Lanakila Ave., Honolulu, T. H.	11821	630.94
Kahei Nagata, 1516 Wai Lane, Honolulu 62, T. H.	11831	213.70
Kumezuchi Nakamura or Takechi Nakamura, 1845 Sereno Lane, Honolulu, T. H.	11833	3,162.57
Hatsuno Terayama, 2069 Kahaloo Dr., Honolulu, T. H.	11843	350.04
Sakuichi Terayama or Hatsuno Terayama, 2069 Kahaloa Dr., Honolulu 15, T. H.	11844	352.61
Masaichi Kanda or Tano Kanda, Hauula, Oahu, T. H.	11833	1,100.57
Zenichi Saiki, 2742 Dole St., Honolulu, T. H.	11697	251.28
Hanshichi Saito or Taku Saito, P. O. Box 73, Aiea, Oahu, T. H.	11693	641.05
Mrs. Tsuyu Takeuchi, 823-A Coolidge St., Honolulu, T. H.	11699	397.92
Saijiro Ito, P. O. Box 517, Waialua, Oahu, T. H.	11695	533.77
Banjiro Iwamoto or Waka Iwamoto, 2109 Young St., Honolulu, T. H.	11709	836.95
Suga Kanda or Iuyemon Kanda, Waipahu, Oahu, T. H.	11076	632.11
Mitsuzuchi Kawachima, 2542 Pamoa Rd., Honolulu 5, T. H.	11079	502.03
Genta Kitamura or Kazuno Kitamura, 1045 Kalihi St., Honolulu, T. H.	11081	774.05
Mrs. Aki Kobatu, 1651 Young St., Honolulu 19, T. H.	11036	2,526.55
Kiku Kuranaka or Kamoichi Kuranaka, Honouliuli, Ewa, Oahu, T. H.	11092	631.27
Kiyoko Kanechima, 1651 Pohaku St., Honolulu, T. H.	12497	233.72
Oto Miyashiro, 2374 Booth Rd., Honolulu, T. H.	12501	1,010.50
Ichi Moriguchi, 215 North Kukini St., Honolulu, T. H.	12502	1,030.74
Mrs. Wakao Nakamura or Toshio Chinaka, 4100 Farmers Rd., Honolulu, T. H.	12506	1,877.49
Tsuruye Eto, 1235 10th Ave., Honolulu, T. H.	27470	2,023.85
Uichi Kume, 622 E Waipa Lane, Honolulu, T. H.	27453	1,123.53
Kinu Miura,[2] 1717 Palolo Ave., Honolulu, T. H.	27457	226.65
Toyosaku Nezu, Kaneohe, Oahu, Territory of Hawaii	27493	623.74

[1] Or Miyoshi Nojima, deceased.
[2] Or Goichi Miura, deceased.

Claimant	Claim No.	Property
Kozue Sasaki,[3] P. O. Box 111, Ninole, T. H.	27500	$1,019.36
Tokuichi Tominaga, 163 North Vineyard St., Honolulu, T. H.	27501	401.57
Mrs. Kameyo Uyesugi, 1420 Dillingham Blvd., Honolulu, T. H.	27502	507.84
Masaaki Uyesugi, 1420 Dillingham Blvd., Honolulu, T. H.	27504	1,010.26

[3] Or Tadaichi Sasaki, deceased.

Claimant	Claim No.	Property
Korie Ayano, 644-A Auahi St., Honolulu, T. H.	29088	$1,128.81
Mrs. Jeanette K. Bringman, (nee Kiyo Fukunaga), 1321 Peleula Lane, Honolulu, T. H.	29089	7.70
Haruko Funakura [4] 1118-A Hoolai St., Honolulu, T. H.	29094	109.43

[4] Or Kenichi Funakura, deceased.

Executed at Washington, D. C., on June 30, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-6042; Filed, July 6, 1948; 8:51 a. m.]